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AUTHOR Gittell, Marilyn; And Others
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ABSTRACT

School decentralization in New York City has been avidly watched nationally by educators and governmental decision makers. School decentralization was regarded as a necessary reform, if not a panacea and has had a long history. For three decades, educational reports stressed the need to divide large urban school districts into smaller more efficient units. The decade of the sixties witnessed several important studies, among them being Mayor Lindsay's attempts to obtain a legislative mandate to decentralize city schools, and the Bundy Report. In reviewing the history and present status of decentralization in New York City, several questions arise: How did the school decentralization law affect the recruitment and selection of board members? How did the legal matrix set the conditions for community boards to function? And, finally, how did these community boards pursue their policies in three key areas--personnel, budget, and curriculum? In addressing itself to these questions, this report comes up with some recommendations for legislative changes in decentralization law. (Authors/SB)

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PART ONE

NEW YORK CITY SCHOOL DECENTRALIZATION

Introduction

School decentralization in New York City has been avidly watched nationally by educators and governmental decision makers. For one thing, school decentralization was a populist movement, leading educators and an urban public, largely poor, to reform the schools. School decentralization was regarded as a necessary reform, if not a panacea.

The quintessential question was educational reform. For if the advocates of school decentralization and community control were motivated by any large altruistic impulse, it was to halt the tide of educational failure. To that educational end, school decentralization was but the political means.

School decentralization had a long history. For three decades, educational reports stressed the need to divide large urban school districts into smaller more efficient units. These studies stressed the idea of administrative flexibility in order to respond to educational needs. "The most fundamental crisis in urban education today", wrote Philadelphia School Superintendent Mark Shedd in the magazine Educational Leadership in 1967, "is a failure to produce organizations capable of adapting the program of a given school to the needs of a given child. The trick, then is to remake and revitalize through decentralization the

quantitatively massive and qualitatively sluggish school systems ... to create a climate in which beneficial changes can flourish"...

By the sixties, important studies such as that by the Women City Club and the Temporary Commission on City Finances, recommended local control and decentralization. Mayor Lindsay in 1967 was able to obtain an educational mandate from the State Legislature to decentralize city schools in the name of community participation. The Mayor appointed a blue ribbon committee to present a plan, the Mayor's Advisory Panel on Decentralization of New York City Schools, headed by Ford Foundation President McGeorge Bundy. In brief, the committee issued a report, Reconnection for Learning, commonly known as the Bundy Report, which recommended thirty-three to sixty-five school districts managed by elected school boards with powers over budget, cirriculum and personnel.

The Bundy report galvanized the opposition of the professional groups, the United Federation of Teachers and the Council of Supervisory Associations, who were fearful of public accountability and revisions of the intricate civil service system. The controversy reached crisis proportions in the teacher strikes of 1968 against one of three experimental ventures in local control -- Ocean Hill-Brownsville. The Ocean Hill board involuntarily transferred nineteen educators only to have the teacher's union claim that due process rights of teachers were violated.

The confrontation at Ocean Hill-Brownsville was more than a parochial matter concerning transfer procedures. It entailed racial and political overtones. Most important, it jeopardized the concept of decentralization. The strike adversely affected the fortunes of a strong decentralization bill, based on the Bundy proposals, in the

State Legislature. At best the law that emerged was a sad compromise after years of parental protests, many bills and much politics.

We examined policy in our assessment of school decentralization because we believed this type of study is most fruitful. How did the school decentralization law effect the recruitment and seletion of board members? How did the legal matrix set the conditions for community boards to function? And, finally, how did these community boards pursue their policies in three key areas -- personnel, budget and curriculum.

One must be cautious in appraising the impact of the community school boards. No one can argue that it is either desirable or necessarily meaningful to conduct a study over the short span of one year or so. Nevertheless, one can perceive significant trends on the basis of emerging patterns.

I. THE INTERIM BOARD OF EDUCATION OF NEW YORK CITY--1969-1971

The New York City Board of Education has the responsibility for managing a school system of some one million students in nine hundred schools with sixty thousand teachers. In recent years, its management capability has been severly questioned by both participants in the school system and educationists. In particular, the small size of the system and the largeness and complexity of the school bureaucracy have shattered its credibility as a vehicle for reforming the urban school.

Attempts to achieve change by altering the composition of the boards have not proven successful. In the 1960's, a liberal board of education officially adopted a policy of integration which has yet to be implemented. Robert L. Crain and David Street found in their study of eight cities that the school board was "nearly autonomous in its decision-making procedure, yet the degree of acquiescence of the school system is determined by the overall political structure of the city." (Robert L. Crain and David Street, "School Desegregation and School Decision-Making", in Educating an Urban Population, ed. by Marilyn Gittell. Beverly Hills: (Sage Publications, 1967.)

New York City's pioneering experience with decentralization is raising new questions concerning the appropriate function of a central board as it relates to local boards in the key areas of budget, curriculum, personnel, and policy. (These are discussed in separate chapters.)

The Old System

In 1917, the New York City Board of Education was drastically reduced in size and given enlarged powers by the state so that it might take an effective part in policy-making. "Its new governmental role pushed the Board of Education irrevocably into the vortex of politics." (Theodore Lowi, At the Pleasure of the Major: Patronage and Power in New York City, 1898-1958, New York: The Free Press of Glencoe 1964, p. 30).

Because of his appointment power to the Board of Education, the mayor was constantly harassed by ethnic and other interest groups who vied for representation. However, with the professionaiization of public school administration in the 1940's and 1950's and the adoption of the merit system, the tradition of independence of the education function in local government has been zealously guarded by civic reform groups. School board scandals in Chicago and Mayor LaGuardia's "political interference" in the school administration of New York City, energized these groups to maintain a lay board removed from the control of the mayor and other local officials.

The New York City Board's building irregularities in the late 1950's prompted the State Legislature who had had hearings for six years because of numerous scandals to terminate the existing Board of Education. A new Board of Education was reconstituted along with a new selection procedure to balance the influence of the mayor in appointments.

Prior to 1961, board appointments were made directly by the mayor. Under the new procedure, the nine members of the board were appointed

by the mayor from a screened list of candidates submitted by a selection panel composed of the heads of eleven educational, civic, and professional organizations.

Perhaps the most significant development in school decision-making in the last five years has surrounded the integration issue. Aside from its social and human implications, it has had an important political impact. For the past two decades, superintendents, boards, and school bureaucracies have been freewheeling, with a little outside pressure. They have successfully closed off school policy formulation from elected local government officials and civic groups. The integration issue has broken open the monopoly of power vested in the small core of school officials. It has raised serious questions regarding the role of professionals, their goals and interests in school policy.

A number of progressive central boards, with a social reformist approach, have not been able to implement their policies. Repeatedly, they have been successfully blocked by a school bureaucracy at 110 Livingston Street intent on preserving the status quo. The successful resistance of principals, district superintendents and headquarters personnel to integration efforts of the board has been fully documented by Rogers.

"Those in top positions have limited power to effect change. This is a structural and political condition rather than a psychological one. Most of the liberals on the lay board have been no more effective than the moderates or conservatives, or even than the four

superintendents in the past couple of decades. Even when they choose to exercise power, they are limited in what they do by the professional staff, outdated laws, and traditions, and the enormity of the problems they confront." (Rogers, p. 216).

The board's role has been largely one of balancing conflicting pressures and interests. It has been a mediator rather than an initiator of policy. Much of its time has been spent on administrative details, involving school maintenance, construction contracts and supply of materials rather than major areassof policy. Another limiting factor on the board has been its lack of staff. Working as unpaid volunteers, and lacking expertise, the board has spent long hours on successive drafts of policy statements, and administrative minutae.

One cannot expect less than a dozen part-time lay board members to manage a school system of some one million students in some nine hundred schools with sixty thousand teachers. The reform board which was created in 1961 wanted to become more involved in running the system but was blocked by the then superintendent. The board made minor efforts at administrative decentralization which were not effective. Professor John W. Polley diagnosed the failure: "Effective decentralization requires that responsibility commensurate with delegated authority be exercised at the level at which decisions are made and action taken. Accomplishing this objective in urban school systems will require organizational patterns that permit direct and immediate interaction between school personnel and people at the local level." (John W. Polley, "Decentralization within Urban School Systems," in Education in Urban Society, edited by B. J. Chandler, Lindley J. Stiles and

John I. Kitsuse, New York: Dodd, Mead and Co., 1962, pp. 122, 23.) The controversy over decentralization (the board opposed strong decentralization), provoked enactment of the first Marchi Bill authorizing the mayor to make four additional appointments.

In July 1968, Mayor Lindsay appointed five members to the Board of Education: four of the appointments were made under the new Marchi law, which had expanded the central board's membership; the fifth was a replacement for the chairman who had resigned in June. The resulting "new" board, sympathetic to decentralization, adopted an interim decentralization plan for all thirty school districts and the three demonstration projects. The interim plan was to be in effect until the state legislature enacted a final version in the spring of 1969. That plan mainly conferred the power to hire superintendents on the community boards.

The new, enlarged board, however, was unable to keep the lid on the boiling pot. The reform board, soon encountered serious troubles over integration, decentralization and other issues, and as a result there was a large turnover among members. The nine original positions were held at various times by twenty persons. On leaving office, John Doar, former Board president said: "My greatest regret is that our board really didn't have any time to look at the educational preferences. We were so involved in governing--ourselves, the schools." (N. Y. Times, May 21, 1969, p. 31.) The confrontation at Ocean Hill-Brownsville crystalized the politics of education into every school and community in the city. The mayor's role in the crisis was sharply criticized, and the state legislature responded by removing the appointive power to the school board from the mayor.

The New System

In sum, the most significant trend in education in New York City has been the isolation of school administration from city government. In each city administration since the 1940's, complaints of undue city interference have resulted in the delegation of increased responsibility to the Board of Education. However, independence did not strengthen the board's role, but reinforced the power of the professional headquarters staff.

The tradition of fifty years of mayoral appointments to the New York City Board of Education was discarded by the state legislature in the Decentralization Act of 1969. The legislation called for a five member Interim Board--one from each borough to be appointed by the borough president. The appointment process was placed squarely in the political arena. Richmond borough president, Robert T. Connor, said of his appointment, Dr. Mary Meade, "Basically, she is in agreement with my general philosophy of a strong central board. She favors decentralization but without any elaborate or extensive degree of community control." (New York Times, May 23, 1969, p. 34.) Manhattan borough president, Percy Sutton, described his appointee, Isaiah Robinson as "a cool headed militant." The new board thus reflected some diverse political elements in the city. (New York Times, May 24, 1969, p. 22)

The new appointment process similar to the one before it took into account the enthno-religious politics of New York City. Of the five board members, two were Jewish, two were Catholic, one was Puerto Rican, one was Black, one was Irish. This appointment process guaranteed the continued presence of groups previously represented

on a city wide level except for Italo-Americans.

The Decentralization Act also specified that for the first time in the history of the Board of Education, the compensation of members of the Interim Board shall be provided by local law. Shortly before the members of the Interim Board were appointed, the city council decided that they should receive $100 for each day worked. From the day of its appointment until the election of a permanent board, the Interim Board was given all of the powers of the old city board, which included the power to delegate authority as it saw fit to the districts.

In sum, the Interim Board differs from old boards in several important aspects. It is the smallest board in New York City history; it is salaried; it has the largest staff; its members were appointed by the borough presidents. The legislation called for two additional members to be appointed by the mayor. When the court ruled on the legality of this provision the legislature maintained this board in its present form.

The 1969 Act provided no substantial delegation of power to the local boards. Before the election of the new community school board members, the Interim Board circulated a series of "preliminary working papers as a starting point for discussions--for a handbook on basic policy."

The Confederation of Local School Boards, an organization of representatives of local school boards, established special committees to consider each of the five papers and issued a report. (Statement on Preliminary Working Papers" as approved by the Executive Committee of the Confederation of Local School Boards. June 1970.) Many members of these committees had served on local school boards for

MEMBERS OF BOARD OF EDUCATION: PERSONAL DATA

Year	Size of Board	Sex		Age				Religion		
		M	F	30-39	40-49	50-59	60-69	Protestant	Catholic	Jewish
1966	9	8	1		2	4	3	3	3	3
1971	5	4	1	1	2	1	1	1	2	2

MEMBERS OF THE BOARD OF EDUCATION:
EDUCATION AND PROFESSIONAL STATUS, 1966

Education Levels

Masters degree	2
Law degree	3
Doctorate	3

Professional Background[a]

Teacher, lecturer, or professor	6
Labor leader	2
Accountant	1
Attorney	3
Civic organizations in education	1

[a]Totals are more than 9 because of overlap.

Source: Marilyn Gittell, Participants and Participation, (New York: Frederick A. Praeger, 1966) p. 5.

MEMBERS OF THE BOARD OF EDUCATION:
EDUCATION AND PROFESSIONAL STATUS, 1971

Education levels

Masters degree	1
B.A.	2
Doctorate	2

Professional Background

Teacher, lecturer, or professor	2
Artist	1
Accountant	1
Public Commissions	1

Source: New York Times articles

years.

The conclusions reached by all committees was that though the Interim Board expressed its intention "to construe doubtful provisions (of the law) to maximize the powers of community boards", and that the working papers were a blueprint for tight central control.

The Confederation faulted the Interim Board on several counts:

Lack of procedural recommendation. No concrete suggestions regarding coordination of services between office of Instruction and Community School Boards.

Budget. Would improperly hamper the powers of Community Boards and enhance the powers of the Chancellor in program development; the Confederation proposed a service relationship based exclusively on contracts and related fees.

City-Wide Services. The Confederation recommended that programs for emotionally disturbed children be under the jurisdiction of the Community School Boards--and also recommended decentralization of special reading services--suggesting that the formula used in allocating the expense budget should be weighed to allow for reading deficiencies. It stressed that Community School Boards should decide the method of remediation.

Evaluation. The Confederation complained that the Interim Board failed to clarify a provision that both Chancellor and CSB's have the legal responsibility for evaluation. The Confederation recommendation that responsibility to evaluate and report on effectiveness of local programs lies with the community boards; the

Chancellor's responsibility should be to maintain minimum standards and curriculum requirements.

Selection of Textbooks and Materials. The Confederation rejected the board's suggestion using of an advisory list and central authorization because it would burden the boards with the task of having to actively solicit and gain the Chancellor's approval. The Confederation suggested shifting the burden of proof to the Chancellor with his having to justify any contemplated disapproval.

Standards. The Confederation faulted the Interim Board for claiming that establishment of educational standards is a function "shared" by various agencies--"a dangerous extension of central powers." Thus, the Confederation analysis indicates that from the outset, the Interim Board pursued a paternalistic relationship with the Community School Boards.

The Interim Board and the Community School Board Elections

The Interim Board was empowered to establish from thirty to thirty-three districts and to administer an election procedure. The membership on local school boards was to be determined by the City Board of Education every two years. Thus the Interim Board could play a crucial role in the selection process of Community Boards.

The Interim Board of Education, circumscribed by legislative requirements for size, devised the district lines arbitrarily, without regard for community preferences.

The arbitrariness of drawing the district lines and without community consultation provoked suits in Districts 3 and 5 in Manhattan. A suit was brought by Harlem Parent Association presidents to preserve

existing district lines on two grounds; 1) no consultation (because illegal plan was presented to public.) 2) segregation

The District 5 suit was won on grounds that the statutory requirement of consultation was not complied with, and the Board ordered to redistrict Manhattan; Manhattan elections were postponed.

Many community residents questioned the bill's concept of heterogeneity, arguing that it was used by the Interim Board of Education to create districts in which Blacks and Puerto Ricans could have no voting majorities.

A further consequence of leaving the community out of the consultations with regards to the drawing of district boundaries led to the gerrymandering of District 28 in Queens. The old district was redrawn under the pretext of promoting heterogenity while facilitating integration. The new North-South district lines resulted in the election of a school board non-representative of the racial groups in the district.

The first date set for the elections, by the Interim Board was January 27, 1970. Arguing that the time allotted to candidates and to the public was too short (for neither could the one make known their views nor could the other acquaint themselves with the new election procedure), Corinne Willing, Director of the new defunct Coalition for an Effective Community School System, protested to the Board of Education.

She sought suspension of the Community School Board elections and called for a public examination on the ground that "the procedures and practices of the elections are defeating the very purposes for which the elections are to be held."

The Coalition listed seven reasons in support of its protest,

among them:

(1) The faulty structure of the law itself.

(2) The lack of (precise) information as to the nature and powers of the local school boards to be elected.

(3) The absolute rejection through boycott of segments of the community whose participation in the elections and subsequent support of the school boards are essential if the change over is to bring stability instead of further confrontation.

(4) The lack of public information channels within the districts to give all candidates access to the public.

This last reason was of crucial importance because there were 1,051 candidates vying for the 279 seats city-wide. This meant an average of thirty-four candidates per district, ranging from as few as eleven in District 12 (Bronx) to as many as eighty in District 31 (Richmond).

The Interim Board promised to review the entire situation to see whether a valid election could be held at a later date.

By rescheduling the elections from January 27, 1970 to March 19, 1970, the Board acknowledged the reasonableness of the Coalition's protest that the election procedures were defeating the very purposes for which the elections were to be held.

The results of the elections were discomforting. The influence of the churches, especially the Catholic church whose educational interest lay with its own parochial school system rather than with public schools and other organized groups was overwhelming; the decentralization act created many obstacles, and the abdication of

certain responsible bodies--the Board of Elections and Board of Education--was yet a third factor. Finally, the election procedure of proportional representation weaved these three elements into a formidable barrier which blocked the election of a sufficient percentage of grass roots people to these boards.

The Interim Board and Community School Boards

On the first of July, 1970 279 local school board members assumed office on the thirty-one local school boards. Thus, the educational system was legally, if not actually, decentralized. Theoretically, decentralization should lead to more responsive local boards with sufficient power to control local educational policy.

In the year since elected Community School Board members took office the Interim Board has met regularly with Community School Boards through creation of a Consultative Council composed of elected representatives from each community school board. Rejecting the suggestion that the council be formed by Community School Board members, the Interim Board founded a council which "is a creature of the central board." (Interview with Council members, April-June, 1971).

The central board sets the agenda. Consultation with the Consultative Council is pro forma; i.e. in negotiating the recent contract with paraprofessionals.

According to Mrs. Sophie Price, president of the New York Association of Local School Boards which replaced the former Confederation of Local School Boards: "We are very unhappy with the Consultative Council. This is a vehicle of one way. They really don't get the input from the school or from the community. The parents are under-

estimated in the actual input to the Council. One of the main reasons for this could be that there is little time to bring this back to the community for a consultation. At this moment, the Chancellor has a proposal for parent participation. He is looking for guidelines for the selection of principals. The Consultative Council will meet on September 13 and then there is a statement to be made to the effect of this on September 15. There just isn't the time to go back to the community and to reconsider just what the Council has to say and then to bring it back to the council." (Interview September, 1971).

Community School Boards were hampered in administration of their local districts by Central Board policy, resulting from budget cutbacks, the UFT contract and CSA arrangements. For example, when the Central Board announced unilaterally there would be budget cutbacks, the first teachers to be released in District 7 were Puerto Ricans and Blacks (98% of the school population is Puerto Rican and Black.) District 7 wrote the Board that it would not comply. Districts 2, 3 and 21 also protested the cuts. With the opening of the new school term, the Chancellor acting on the behalf of the board informed Community School Boards that lack of compliance would result in a budget cut off.

In District 9, the Community School Board became embroiled in a dispute with the United Federation of Teachers when it refused to accept several teachers assigned by the Central Board. District 9, in which half of the pupils are Puerto Rican, had insisted on bilingual guidance teachers. The Community School Board refused to receive them.

In District 28, according to a Community School Board member, problems arose regarding custodians. "We receive a list of five

names from the Central Board, and one of those names is preferential. That means that we have to hire that man no matter how many interviews we go through. Why doesn't the Central Board just assign this man to the job and also assume full responsibility for the job? Once he is assigned without really consulting us we have to assume the responsibility for the job." (Interview, September, 1971) In other districts the choice is less limited.

The Interim Board encouraged Community School Boards to hire auxiliary principals as full time principals in order to save money. (See chapter on personnel for full account of principal appointments.) Despite the Boards pro-decentralization rhetoric, its relations with the individual community school boards have been characterized as a tug of war. (Interviews with Board members, July, 1971).

The Interim Board and the Chancellor

A top priority for the Interim Board was selection of a chancellor. One reason for the inability to change the system has been that board-superintendent relations in New York City have been marked by conflicts and ambiguities. Marilyn Gittell and T. Edward Hollander, in a study of six urban school districts, found the power of the New York City superintendent to be relatively weak compared to that of superintendents in cities such as Detroit, Chicago, and Philadelphia. (Marilyn Gittell and T. Edward Hollander, Six Urban School Districts, New York: Praeger; 1968). Rogers found "that the lay board and superintendent involved in a complete reversal of roles." (Rogers, p. 265). The board is too involved in administra-

tive detail to make policy, yet it resents a superintendent who abandons the role of chief administrator and moves into the policy arena.

In analyzing boards' selection of a superintendent, insider vs. outsider is a frequently mentioned criterion. New York City Boards have tended to choose insiders as superintendents. Dissatisfaction with superintendent's handling of the integration issue, prompted the board to choose an outsider as its next superintendent in 1962. However, relations between the outside superintendent and the Board were marked by conflict. "It would seem that in New York City the problem of an outsider establishing his authority is further complicated by the strength and competition for power with the top administrative staff." (Gittell and Hollander, p. 82).

The 1969 Decentralization Law demonstrated a clear intention by the legislators to enhance the office of Chancellor and reduce the role of the board in administrative matters. The chancellor was given all the powers of the superintendent, except as otherwise stated in Article 52-A and additional powers presently residing in the City Board of Education. (S2554, State Education Law). Thus, the appointment of the chancellor was a key decision for the Interim Board. After a considerable nation wide search and reported difficulties in finding someone to accept the position, the Board selected Harvey Scribner, an outsider from Vermont as its chancellor. He was given a three year contract. (Legislation specified 2 to 4).

A review of Board activity indicates a general unwillingness on their part to relinquish power to the chancellor or to support him in innovative policy. When the chancellor sought the abolition of the Board of Examiners, the board took issue. According to the New York

Times, he "told the Board of Education that he does not intend to defend in court the examination procedure for principals now under challenge by NAACP Legal Defense and Education Fund." (New York Times, September 16, 1970 p. 57)

Chancellor Scribner has also been a vociferous spokesman for enlarging the decision-making power, i.e., he recommended student participation in personnel selection. He also responded to parental pressure for appointment of principals not on the eligible list as in the case of Benjamin Franklin High School, and announced a new approach to the high school principals list. The CSA challenged Scribner's appointment process in court. On none of these issues did the chancellor receive the support of his new board.

Because the Board operated for a year and a half without a chancellor it took on a great deal of responsibility for the day to day administrative decision-making. According to Board spokesmen, the time spent in getting to know the system precluded its dealing with policy issues. And the very nature of the appointment process, which balanced the conflicting views in the city, stifled new policy directions.

The board divided up its responsibilities as follows:

Collective bargaining	Joseph Monserrat
Personnel	Mary Meade
Finance and business	Murray Bergtraum
Decentralization	Isaiah Robinson
Educational programs	Seymour Lachman

It departed from precedent by rotating the presidency.

The Board expended much effort in trying to find a prestigious person to assume the chancellorship. (Mr. Monserrat was in charge of selection procedure and Dr. Lachman in charge of selection committee.)

The Board gets much of its information from complaints. It

has an appellate function--complaints go officially to the Chancellor and then to the Board if satisfaction is not achieved. In response to pressure from parent groups such as UPA, United Bronx Parents and the Staten Island Federation for a more participatory mechanism, the Board issued a policy statement on the role of Parent Associations in the school system. This policy gives parents a larger consultative role in policy making.

Most observers at Board meetings feel that the board is too borough oriented to make city wide policy, except for integration, which is a state priority. The Interim Board, seems more available to community groups than its predecessors but there's a constant tug of war. The central board continues to override Community School Boards.

The new board spent the first year getting to know the system. It was overwhelmed by the budget process. It inherited a disastrous budget situation (see chapter on Budget) and lived with it. Subsequent budget crises, due to faulty accounting procedures and inept management substantiate the Board's minimal involvement with the Budget. Thus those groups that understand the budget, such as the UFT and central headquarters staff have kept control. The Board has failed to use the budget as a plan of action or an instrument for evaluation. This inaction gravely affected the Community School Boards.

In its two years at the helm, the Board has failed to issue management guidelines to Community School Boards, or give the Community School Boards technical assistance. Though it hired Cresap and McCormick to provide a training program for Community School Board members, this program was of questionable value. (Interview with

Community School Board members). The ensuing vacuum has enabled some districts to make new policy decisions, i.e., in the field of personnel. When these decisions have violated civil service requirements, the judicial process has been used. Most of the Interim Board's new policy directives have been in response to court decisions.

The Interim Board, inexperienced and uncertain of its role, anxious to avoid the conflicts which accompanied the operation of the demonstration districts, placated the entrenched interest groups. For example, it has played a subservient role in the face of UFT power. In its first contract negotiations with the union, it acceded to demands for retention of M.E.S. schools though their effectiveness has been seriously doubted, and it has scrupulously adhered to arrangements with the CSA. (See chapter on Personnel).

The Interim Board's greatest claim to a policy change has been in the area of students rights. A resolution for student rights was drawn up by Dr. Seymour Lachman. Its presentation at two board meetings provoked great hostility from principals and supervisors throughout the city. The board subsequently distributed the handbook without issuing a policy statement. It has since failed to implement administrative machinery to handle student rights.

The Board has escaped the wrath of the UFT and the professional supervisory associations allowing it to fall on the chancellor. (New York Times, December 8, 1970, p. 35) The lack of congruence between the Chancellor and the Board is typical of conflicts which have occurred between boards and superintendents in large cities. (Allen R. Talbott, "Needed: a New Breed of School Superintendent", Harper's Magazine, CCXXXII, February, 1966, pp. 81-87.)

Conclusion and Recommendations

The 1969 decentralization law called for a strong chancellor and a weak board. The model utilized was the relationship between the State Commissioner of Education and the Board of Regents. The intent of the legislation, however, has been violated in its implementation. The Interim Board has not made long range policy its primary interest. Instead it has involved itself directly and daily in administrative decision-making often to the frustration of the chancellor.

The changed procedure for appointment to the board was to accomplish the decentralization. Presumably the new board would be committed to the delegation of powers and responsibility to the newly created boards. As a central board they were expected to be more visable in their actions and more dedicated to change. In fact they have not acted any different than their predecessors. They have failed to publicize their activities and keep the public informed of their decisions. They are no more accessable than earlier boards. They have neglected to involve Community School Boards in the deliberations on policies which directly affect them. Consequently, often their policy decisions run counter to Community School Board and community preferences. In the major area of their concern, effecting decentralization they have been particularly negligent. They failed to prepare the necessary guidelines for a smooth transfer of power and offered little guidance to local boards in their assumption of responsibility. They did nothing to reorient school professionals to the changes which the law had outlined and ignored the need for training school board members and community residents for their new roles. One can only

conclude that they had no real commitments to the decentralization and like all other central boards strained to maintain the powers they perceived as rightfully theirs. The Interim Board emulated their forerunners in other respects. They responded to the pressures from traditional professional and education interest groups in the city. One of their first acts was the writing of a teachers contract which gave the school professionals an even greater role in school policy. Their agreement with the CSA was similarly cast. Despite the Board's rhetoric of making new thrusts, their policies often remained paper proposals. The students rights issue is a case in point. A strong board statement has not greatly affected principal suspensions according to N.Y.C.L.U. staff. This would suggest that the board has been ineffective in controlling and directing its own staff.

The experience of the last two years with this board would suggest that the new method of selection has changed little and in fact, the intended role of this board has been violated. In order to be responsive to the decentralization legislation, a central board must reflect the existence of Community School Boards. It may well be questionable that a central board is necessary. If such a board is to function, however, it must combine local and central or city wide interests. Community School Board members are in the best position to make policy responsive to local needs. A central board can only serve to coordinate and that role may be best served by the establishment of a Commissioner of Education. It would be foolish to expect that any board appointed centrally would not guard their own powers at the expense of local boards. If there is a real commitment to effect decentralization, one must seriously question the purpose served by a central board no matter how it is selected.*

* In a recent statement issued by Professor Howard Kalodner (N.Y.U. Law School) on Violations of the Decentralization Law, (presented at the Public Meeting of the Board of Education August 31, 1971) he concludes that the Interim Board has acted inconsistantly under the law, acting in areas delegated to the community boards and in areas delegated to the chancellor. He notes:

> "According to the Board's agendas for November 18, 1970, January 20, 1971, and May 14, 1971, among many others, this Board acted on resolutions approving leasing of property for school purposes, on the recommendation of the Chancellor, usually acting on request of the affected Community Board. The power and duty to lease real property is nowhere explicitly mentioned in Article 52A of the Education Law. But section 2590-e clearly vests in each Community Board, in connection with the schools and programs under its jurisdiction, those powers and duties vested in the former board of education of the city district on the effective date of the Decentralization Law. Those powers and duties are generally described in section 2554 of the Education Law and include, under section 2554(6) the power and duty to lease property required for school purposes." (Kalodner p.3)

> "Section 2590-e.5 vests Community Boards with the power and duty to make repairs to all school buildings ... under its jurisdiction except that expenditures for repairs in excess of $250,000 must be approved by the Chancellor. On the agenda of the Interim Board was one item for "roof cage repair" at P.S. 125. This contract award is selected from among countless others approved illegally by this Interim Board in the past year. It is the Community Board and not this Interim Board that has the power and duty to make such repair contracts." (Kalodner, p. 6).

> "In meetings held January 20, 1971, and May 14, 1971, among many other Interim Board meetings, this Board adopted resolutions relating to the organization of elementary and intermediate schools under the jurisdiction of one Community Board. Thus on the former agenda was an item terminating the consolidation of P.S. 36-125 and organizing P.S. 36-M and P.S. 125-M as separate entities. Both the old, consolidated entity and the new, severed, entities were in the same Community District. The power and duty to determine school organization was vested in the former city board by section 2554(g) of the Education Law; therefore, insofar as schools and programs under the jurisdiction of the Community Boards are concerned, that power and duty is vested in the Community Boards by section 2590-e of the Education Law both by reference to the powers and duties formally held by the city board and also by the explicit vesting by section 2590-e

of power with respect to control and operation of all pre-kindergarten, nursery, kindergarten, elementary, intermediate and junior high schools and programs in connection therewith in the Community Boards." (Kalodner, pp. 5,6).

"The Interim Board's agenda for June 17, 1971, included a resolution regarding the use of school buildings under the jurisdiction of the Community Boards. It not only imposes the requirement that the Community Boards establish a permit system but also incorporates a lengthy and detailed set of mandatory regulations regarding school building use.

Section 2590-e.4 of the Education Law specifically grants to Community Boards the power and duty to generally manage and operate the schools and other facilities under its jurisdiction. Moreover, section 2590-e vests in each Community Board the powers and duties vested in the former city board of education. These powers included those under Education Law section 414." (Kalodner, p.7).

"Special Circular No. 23 issued by the Office of Personnel on October 29, 1970, began with the hypothesis that Community Boards were required to comply with a by-law of the Board of Education relating to grant of sabbatical leaves.

The basic authority with respect to personnel working under the jurisdiction of Community Boards is included in section 2590-e.2 which assigns to Community Boards the power and duty to appoint, define the duties ... and fix their compensation and terms and conditions of employment ... The many personnel powers vested principally in the Chancellor by section 2590-j do not encroach on this Community Board power in the area of sabbatical leaves." (Kalodner p.8)

"In addition, the exclusive responsibility for granting or denying tenure lies with the Community Boards and that the Interim Board has no authority to interfere in this process. At most, the Interim Board might assert a reviewing authority. Thus the Interim Boards' attempted intervention in the midst of tenure deliberations is an unlawful derogation of Community Board authority."

Trespassing on the domain of others by this Board has not been limited to Community Boards -- it has extended to the Chancellor as well. It is thus one must characterize this Interim Board's resolutions respecting teacher training, as in the agendas for October 16, 1970 and June 17, 1971, an area vested in the Chancellor by section 2590-h.14 and not in the Interim Board. That the Chancellor presented a teacher training resolution does not alter the fact that the power and duty to develop and furnish training for employees throughout the city district is that of the Chancellor alone." (Kalodner p. 8)

II Recruitment and Organization

One of the chief aims of school decentralization as conceived by the Bundy panel was to recruit a new array of participants formerly disenfranchised from the sources of political power. In short, school decentralization would, theoretically, empower a lay public, largely poor, with power in formulating school policy. Thus, according to Bundy those with the natural stake in the schools--the parents--would be most motivated to reform the schools. And it should not be forgotten that the entire school decentralization, community control movement was the result of parental protest of a largely Black poor.

Nevertheless, a study by the Institute for Community Studies shows that the school decentralization law did not prove to be the mechanism to recruit new reform-minded community school board members. (Boulton H. Demas, THE SCHOOL ELECTIONS: A CRITIQUE OF THE 1969 NEW YORK CITY SCHOOL DECENTRALIZATION, INSTITUTE FOR COMMUNITY STUDIES. The following report is an updated version of the Institute's study.) The typical community school board member was a White male of the Jewish or Catholic faith, a middle class professional, with at least two children attending a non-public school and living in his district for approximately nine years. Moreover the organization of the community boards did not enhance the output of policy.

In contrast, the typical school board member in the three demonstration districts (Ocean Hill-Brownsville; IS 201; and Two Bridges)

more approached the model the Bundy plan writers had in mind. The average governing board member was a female, a high school graduate with poverty worker background, with children in the public schools. And the structure of these boards helped them in implementing a wide range of policies.

A. Recruitment

The reason that the community school boards failed to substantially include an urban poor, the largest segment of public school clientele, was that the school decentralization law and the election procedures were designed to make these boards unrepresentative. The school board elections show that of the 279 members elected throughout the city 16.8% (47) are Black; 10.8% (30) are Puerto Rican; 72% (201) are White and .4% (1) is of Chinese stock.

Board Member Profile

Occupation: 63.8% of board members hold professional, technical or managerial positions; 10.3% are employed as para-professionals or by poverty agencies; 5.3% are clergymen; 16.6% are housewives, while 4.0% are employed as laborers, mechanics or other quasi-skilled or unskilled low-paying jobs.

Age: The average age of the members is 41.8, ranging from 18 years to 68 years.

Family Size: 81.9% of the local school board members are married, having an average of 2.2 children per household. 46.8% of them have children in the public schools; 53.2% of them send their children to parochial schools with 8.5% among this latter group sending their pre-school children also to parochial schools. (Appendix II)

Residence: 11.8% resided in the districts in which they won for less than five years. 31.2% lived in districts for from five to fifteen years, while more than half (57.0%) resided in their districts for over fifteen years.

Religious Identification: 36.0% are Jewish, 50.6% are Catholic, 11.2% are Protestant.

Racial-Ethnic Distribution

In six districts (2, 11, 18, 23, 27, 28) with a population of Black and Puerto Rican pupils ranging from 30 to 48 percent, only five of the fifty four school board members are non-White. In twelve districts which are predominantly Black or Puerto Rican (with over 85% of the school population) only six (4, 5, 7, 9, 16, 23) have boards with a majority of Black or Puerto Rican members. In contrast, the other six districts (1, 12, 13, 14, 17, 19) have no less than five and as many as seven White members distributed as follows: five each in District 1 and 5; six each in District 12, 14 and 17 and seven in District 19. Thus in the eighteen districts mentioned, only sixty four local school board members out of a total of 162 are Black and/or Puerto Rican, with ninety four being White. A further breakdown of the figures show that a little more than 50% (44 out of a total of 87) of the minority members of the local school boards in a city-wide distribution are concentrated in six districts (4, 5, 7, 9, 16 and 23) while the remaining forty three minority members are scattered throughout the remaining twenty five districts. Of these ten districts--15, 28, 20, 21, 22, 23, 24, 26, 27 and 31 with 66, 29, 22, 29, 11, 33, 29, 15, 32 and 11% minority school population respectively--elected all White school boards. This is a significant factor since

even in districts where the White school population is as low as .1% (District 23 in Brooklyn) one White was elected to the Board; District 1 with 9% and District 4 with 2%, District 7 with 2% District 12 with 5%, District 13 with 5%, District 14 with 10% and District 16 with 9% elected 6, 3, 2, 6, 5, 6, 2 (30) White members respectively. Furthermore, there was only one district (#5 in Manhattan) where no Whites were elected to the boards city-wide. In contrast, there were ten local school boards with no minority group member.

There were five sections of the Decentralization Act which, more than others, had significant impact in determining the eventual outcome of the elections and the composition of all thirty one community school boards. They were: 1) districting; 2) nominations; 3) registration and voting; 4) powers of the local school boards; 5) and the electoral mechanism of proportional representation. No interpretation of the outcome of the elections can be meaningful without a discussion of these variables and while succinct analysis will follow presently, it is appropriate to first look into the general premises of the selection process.

If the community school boards are to be truly responsive to the needs of the communities they are supposed to serve, their composition, as well as, the criteria of their selection are crucial to eventual educational success. The Bundy Plan for decentralizing city schools, giving ample power over policy to community boards, serves as a touchstone. According to the Bundy Plan, the process of selection should be designed to achieve parental participation without partisan politics. In this instance, the Interim Board of Education abandoned the system of appointing members to the community school board, its thinking being that selection on an appointed basis was incompatible

with the degree of authority and responsibility which the community school boards ought to have.

Two options for determining the way in which members of the community school boards were to be selected were considered--direct elections and a mixed elective--appointive selection process.

The limitation of board membership to parents of public school children only was not upheld by the legislature. It was the concern of many that education is too vital an interest to exclude residents who are not parents from membership on these boards. Others argued that community school boards so created would be deprived of the special skills, experience, interest and insights of parents whose children have finished school and of those parents who do not yet have children in the schools or even other capable residents who are not parents.

The direct method of selection was adopted by the Albany legislators and incorporated into the Decentralization Bill. The proponents of this method of selection reasoned that since the community school boards were to have direct control of expenditures, any mechanism short of direct elections would be tantamount to taxation without representation. It is perplexing that even when the latter argument of taxation without representation was rebutted on the ground that the districts would not have the power to tax and that the voters still could express their sentiments on taxation when electing city and state officials, the legislature still upheld this plan. Furthermore, the opponents of direct election cited the potential danger of domination by political clubs in the pre-election period; the expense of compaigning to many candidates; the distastefulness of election campaigns to men and women who would otherwise be willing to serve on the community school boards, and the possible domination of school affairs by

majorities of residents who were not parents or by sectarian interests that might not hold the interests of public education uppermost". (Mayor's Advisory Panel on Decentralization on the New York City schools, Reconnection for Learning; A Community School System for New York City New York: Frederick A. Praeger, 1969, p. 18.)

The dual election process, whereby all groups would be represented without the dangers of direct election, was the proposal of the Bundy Report, but it was eliminated. The objections were that the Bundy procedures were too complex and that the safeguards for effective parental representation could be easily subverted by one of the six democratically-elected members siding with the appointed bloc of five members.

1.) Districting

In converting the decentralized districts to a city-wide program, the legislature ignored the administrative advantages of the small districts. The legislators established districts consisting of a minimum of 20,000 pupils, with most districts containing upwards of 30,000 students.

On the one hand, the Bundy Report had suggested the creation of districts through Intermediate and Junior High School clusters, numbering from about forty to fifty. The exact number and shape of these new districts would be determined with great care in order to insure boundaries that are both educationally sensible and socially sound.

The Bundy Report proposed that the determination of these clusters should take account of such factors as a sense of community, efficient utilization of school buildings, school feeder patterns, the

number of pupils who would have to transfer from schools they presently attend and the diversity in composition of student population. The Bundy Report was convinced that these criteria would assure school districts large enough to be educationally viable, while avoiding the fragmentation and economic inefficiency of smaller districts. Another factor in favor of districts smaller than that outlined in the decentralization bill was the demonstration districts. The demonstration districts suggested that parents can participate effectively in the educational lives of their children when the school districts are small and manageable.

It seemed obvious to the legislators that to ensure racial harmony and a workable educational system, all those with an interest in the outcome should participate in determining the boundaries. But, although the legislature called for a community role, the Board of Education, circumscribed by legislative requirements for size, devised the district lines arbitrarily, resulting in the preservation of the old existing lines and without community consultation.

The law's stipulation that no district may have less than 20,000 pupils in average daily attendance had three important consequences: the destruction of the demonstration districts, the impossibility for Blacks and Puerto Ricans to develop voting majorities and the easy capture of the community school boards by organized groups.

2.) Nominations

In order to be nominated as a candidate petitions had to be filed complying with the election law. Many lay persons and political scientists believe that underprivileged citizens are devoid of political

consciousness and civic virtue. Since the focal point of the decentralization bill was to increase community awareness and participation in the development of educational policy by the "alienated", the proposed electoral mechanism should ensure that the new local school boards are representative of the community and its aspirations.

The numerous requirements of the section of the bill dealing with the nominations procedure--petitioning, qualifications of the petitioner, the meeting of the short deadline in a first and unique election, the right to be challenged and make challenges, the inexperience with legal terminology--all militated heavily against unorganized grass roots people. For example, although there is nothing inherently illegal, immoral or difficult in the petition procedure, it could have been dispensed with. In substitution, a longer campaigning period could have been instituted during which announced candidates would debate the issues and get themselves known, while the districts' electorate would have had more time to acquaint themselves with both the candidates' views and the complicated election procedure.

Instead of encouraging greater numbers of community people to participate as candidates, the petition procedure was seen an an unnecessary impediment. One Black resident of District 17, put it this way: "The Man always wants to know how many people you've got behind you before he gives you anything". In short, he espoused a common conviction of "ghetto" residents that all actions of the political process are meant to dissemble.

This does not mean that there shouldn't be any guidelines or qualifications as to who can run for an elected office. Certainly, consideration must be given to age and residency and so on, but the stipulation in

the bill which called for the circulation of petitions, the collecting of signatures, the determination of challenges and the filing of these petitions by January 18, 1970 was unconscionable. This stipulation created unnecessary hardships upon that section of the citizenry already burdened by many politico-socio-economic liabilities.

3.) Registration and Voting

The law stipulated that any registered voter who lives in the district and any parent who is a citizen of New York State, a resident of New York City for ninety days and is at least twenty one years of age can vote. Indeed the registration procedure is a most important element of the selection process. Without it, it would be well nigh impossible to check the eligibility of all those who present themselves as voters, especially with respect to their residency qualifications. When all factors are considered, however, the bill's stipulation providing open eligibility to all residents of the district, its age, and its residency requirements were all counterproductive to the goal of assimilating parents of the community in the decision-making process of educational policy.

To begin, the registration drive produced only minimal results. The total number of persons who registered during this period city wide was 40,461. Of this figure, 25,426 were newly registered voters, while 15,035 were specially-registered parents. There were more newly registered voters than specially-registering parents in every borough except Manhattan. There were 3,499 new regular voters registered as compared to 3,769 parents who specially registered for the school board election. The breakdown for the other boroughs were: Bronx--5,527 regular voters, 3,632 specially-registered parents; Brooklyn--

8,692 regular, 5,214 parents; Queens--6,423 regular, 2,340 parents; and Richmond--1,285 regular, 80 parents.

These rewards were small when compared to the cost of one million dollars to the city. Despite the two-week extension and widespread television coverage, ghetto parents did not vote.

For non-English speaking parents, the registration period was one of sheer trauma. Polling places in those districts had no provisions to assist them. Puerto Rican leaders in the Bronx criticized voter registration, arguing that parents in these communities were completely disenfranchised by the confusing, complicated and irrelevant registration procedures. Ocean Hill-Brownsville had to go to court to win guarantees that at least one Spanish-speaking registrar would be made available in each registration location in Puerto Rican neighborhoods.

Evelina Antonetty, Executive Director of United Bronx Parents, and Mr. Ramon Velez, Executive Director of the Huntspoint Multi-Service Center, detailed some incidents which may further account for the low registration among Puerto Rican parents.

Of the forty-five elementary schools in the South Bronx, Huntspoint, Morrisania and East Tremont area, parents of thirty-eight schools were not permitted to register if they had not attended the sixth grade. In five schools they were told to take the literacy test at the Board of Education headquarters. In thirteen schools parents were told that they must first become American citizen. In two schools Cuban parents were told to report to the immigration authorities.

The necessity that natural parents, foster parents or guardians

be twenty one years of age and over and that he or she be living in New York City for at least ninety days limited the participation of many minority people as voters and potential candidates. The residency qualification worked to the discrimination against many Southerners, Puerto Ricans and West Indians, who had immigrated or moved to the district within ninety days of the election.

The age stipulation could have been flexible enough to include all parents fifteen years and over, or for that matter, all parents. To do otherwise would be to disregard a fundamental happenstance of ghetto 'existence'. A high proportion of Black and Puerto Rican adolescents become parents due to pregnancies, unmitigated by the use of contraceptive devices and the inacessibility to abortions. It would be folly to argue that the inadequate delivery of educational services is not of interest to these adolescent unmarried parents, but yet the law disqualified them from ever having a voice in school policy, either as voters or candidates.

Under the Bundy Plan, these parents would have had an input either as one of the six parent-representatives on the community school board, or as a member of the district-wide panel or as a representative of the individual school his child attends. There is an added bonus here for such a parent--the only qualification for voting at any level is that he is a parent.

4.) Local School Boards--Powers

Parental activists scored the limited powers provided in the new decentralization bill. As a result they actively boycotted the school elections. Their rational was best expressed by Evelina Antonetty,

Executive Director of United Bronx Parents:

> "WHY WE ARE NOT PARTICIPATING IN THE LOCAL SCHOOL BOARD ELECTIONS.
>
> United Bronx Parents is not participating in the Local School Board elections. We are not running candidates. Why? We refuse to participate in an exercise in futility. Our children are facing real and terrible problems in their schools every day. We cannot afford to waste time playing games which pretend that change is taking place-when in fact, nothing is changed and our children are still being crippled.
>
> False reform is the enemy of true reform. We refuse to implement this unfair, immoral, retrogressive law because:
>
> **The local school boards will be powerless
>
> **The Election Procedures are undemocratic
>
> **The District Lines are illegitimate"
>
> (United Bronx Parents Leaflet, Spring 1969)

As a result of the boycott only 4.9% voted in the school elections. This compares unfavorably with the 1968 Ocean Hill Demonstration District vote of 25%.

5.) The Election

The decentralization bill empowered the Board of Elections to manage and supervise the procedures of the election--nomination, registration, voting, counting, in effect, the whole electoral mechanism of proportional representation. However the Board of Elections did not perform well.

The avowed aim of this election procedure was to avail small groups in every district the chance of being represented roughly in proportion to their voting strength in the district, provided that they nominate a reasonable number of candidates and obtain the vote of

their supporters. The electoral mechanism for this election was a first for most of the voters and the very uniqueness of the PR procedure would seem to suggest that the Board of Elections would assume the responsibility of explaining the new procedure to community residents. However, there was a manifest lack of public information channels within districts.

This inconsistency and vacillation on the part of the Board of Education created an information vacuum which proved to be a boon to parochial and sectarian interests organized and arrayed against community control.

Liabilities of the CSB Elections

In terms of what actually happened in the process of the school board elections, Bundy's fears came to pass.

Bundy, in proposing the dual election procedure, emphasized the necessity of designing a selection procedure which excluded the danger of domination by political clubs.

A workshop was held on June 29, 1970 at the Institute for Community Studies on the Community School Board Elections: A Failure or Success, with more than half of the thirty one districts represented. All the participants to the workshop attributed their failure or success to either one or a combination of the following:

1) that organized groups such as the Catholic Church and UFT had enormous successes due to their disciplined and effective vote.

2) that the UFT could more easily defeat a candidate than put their slate over an act in which further helped the Catholic Church.

3) that many candidates, including the few independents who won, enjoyed high pre-election exposure, reputations and popularity.

The decentralization bill, substantively and procedurally, was the most important factor in the creation of slates. Substantively, the decentralization law stipulated that "no candidate shall be identified by political party or other organizational affiliation on the nominating petitions." This stipulation, inserted presumably to prevent manifest political overtures, was counterproductive. Rather than minimizing political influence, it created a proliferation of slates which used devious methods--palm cards, the pulpit, computers and public school children--to get their message across. For example, it was easy to establish that a "District Presidents Council" slate comprised candidates screened and endorsed by the parent or parent teacher associations of the district's public schools. It was also easy to know that the "Coalition of Candidates for Better Schools" in District 13 represented a cooperative effort initiated by a group of candidates themselves. What was less easy to learn was that the "Parents Concerned for a Better Public Education" of District 13 represented the parochial school interests or that the "Independent Citizens Committee" of District 25 was a front for the UFT, CSA, and regular Democratic Club.

Of the 1,051 candidates who ran for the 279 community school board seats 64.9% ran on slates and their percentage of successes amounted to a phenomenal 80%. Procedurally, the long roster of candidates, the campaign and the method for the determination of winners all contributed to the creation of slates.

Because campaign strategy is a function of the election procedure, proportional representation dictates only one potentially-successful strategy--that of slate formation. Because of the way proportional representation works, no candidate can afford to ignore the other

candidates. This is the first contribution of PR to slate formation. Every vote is used only once, the way in which that vote is counted will depend upon three factors--the relative strength of the candidate voted for in relation to the others; the extent of the individual voter's interest in each of the candidates for which he voted (one voter's choice may be another voter's sixth, eighth or last choice), and the effects of the other voters' patterns in marking their ballots.

Roster of Candidates

The roster of candidates in almost every district was unusually long, averaging 35 per district, with as many as 55 in District 11 (Bronx); 67 in District 22 (Brooklyn); 47 in District 25 (Queens); 43 in District 2 (Manhattan); and 80 in District 31 (Richmond).

Given the number of candidates running in every district and the novelty and heat over the concept of community control, one would expect a period of long campaigning to provide adequate voter information. These expectations did not ever materialize.

The period for campaigning was very short, extending from late December, 1969 (when petitions began to be circulated) to January 18, (nine days before the first scheduled date of the elections--January 27, 1970). This short, four-week campaign period was possibly decided upon because of the fear that "a long period of campaigning would exacerbate divisive feelings in the community."

The rationale for the short campaign period proved inadequate and prodded the Coalition for an Effective Community School System to demand a suspension of the elections.

The Board of Education rescheduled the elections for March

19, 1970, but set no procedures in motion for educating the public as to the method and purposes of the election. By abdicating its responsibility to create an Elections Committee to act as a liaison between the communities and itself, the Board of Education facilitated the operations of city-wide interest groups (UFT, Catholic Church) in their drive to apprise their respective constituencies of their interpretations of the purposes and methods of the local school board elections.

These city-wide organizations capitalized on the default of both the Board of Education and Board of Elections to fragment and polarize sentiments relating to community control while organizing their vote through the creation of disciplined groups in every district.

Without exception all districts fielded slates of candidates for the elections. There was evidence of the typology as already defined-UFT, Church and community-based though the extent and degree varied from district to district.

For instance in District 3 (Manhattan) there was thirty-five candidates. Although we could only account for twenty one of the candidates spread among three slates--a Jewish-backed slate, a UFT slate and a community based slate, the slates received a 100% victory. No independent was elected.

In District 25 (Queens) there were four slates-the Independent Citizens Committee, Coalition of Concerned Citizens, North East Queens Ad Hoc Education Committee, and the Home School Association. The UFT and the Catholic church had several internal mailings sent to their members and parishioners advising them how to vote. The disciplined vote enabled the Church to do exceedingly well by although the UFT did not fare so well, the relentless pressure it brought to

bear on William Schnever, a community-control candidate, substantiates the consensus of the ICS workshop that the UFT can more easily defeat a candidate than push its own slate to victory. (Although twenty three PA's of the twenty nine schools in the district interviewed all forty seven candidates, the Independent Citizens Committee (UFT) at first refused him an interview, but reluctantly interviewed him afterwards.)

In District 31 (Richmond) there were eighty candidates out of a total of 105 petitioners. There were three major slates--Federation of PTA, a Black slate comprised of Black candidates and a Catholic slate. The Staten Island Advance supported thirteen candidates from among the slates. Six of them won.

All of the slates in this district were poorly organized. Even the UFT and the Catholic Church were not as organized as elsewhere in the city. Probably because the population was mostly Italian and Irish Catholics, there was no need for the Church to press forward because of a ready-made homogeneous constituency. The 24% (22,049) voter turnout (higher than in the Democratic gubernatorial primary, where 10,548 votes were cast) was the highest in the city. It elected a school board comprised of five Catholics, one Protestant, two Jews and one orthodox Catholic with no Blacks or Puerto Ricans despite their 11% of the public school population.

The outcome of the elections clearly showed the influence church-oriented groups had on the election. Five candidates endorsed by the Federation of PTA's and not backed by the Conservative Party were elected.

This "Church" vote was evident when the first four priests in the race was declared defeated. More than 500 of these votes were

transferred by the voters' choices to three other priests. When one of three nuns was defeated, the majority of her votes went to the priests and two Irish Catholic candidates. When a young conservative-backed candidate was ruled out more than half of his votes went to a conservative priest and the second largest bloc went to a candidate by Catholic groups, while most of the remaining votes switched back to a conservative.

What PR failed to do here was to elect a Negro to act as a spokesman for 10% of the Richmond population which is Black and Puerto Rican. There were four Black candidates. All of them defeated. This is paradoxical. Decentralization was supposed to grant a greater voice to minority groups in the operation of schools. One Negro then sat on the appointed board, but this seat will now be replaced by a new all White board.

In District 10 (Bronx) with a composite Black and Puerto Rican pupil population of 43% only one non-white, a Puerto Rican, Mrs. Frances Rodriguez, was elected. The other eight were White. This district fielded one main slate--the Coalition for Better Schools (consisting of thirty Parent Associations and civic organizations.) The other candidates who won ran independently.

In District 18 (Brooklyn) of the thirty-nine candidates who ran, twenty six ran on slates, all the elected candidates were from that group, the thirteen independent candidates went down to defeat. There were the CELB (Canarsie Educators for the Election of Local Boards), the Church slate (three winners), the PTA, the UFT (four winners), and the East Flatbush Civic Association.

The five districts above were chosen at random to give an

indication of the pervasive use of slates in every Borough during the recent school board election. The success of these slates can be further demonstrated by comparing the voter turn-out of the local school board elections to that of the 1970 Democratic gubernatorial primary.

Queens

Six of the seven districts in Queens are mainly of the Italian or Irish descent, and contrary to voting patterns in primaries five of these six Catholic-dominated districts polled a greater percentage of votes in the school board elections than in the Democratic gubernatorial primary. For example, in District 29 (AD 20) 9,266 people voted in the school board elections as opposed to 3,979 in the primary. Nor can it be said that the increase in voter turn-out was due to increased registration of parent voters, for in the Borough of Queens, as a whole, only 2,340 parent voters were registered still leaving 2,970 votes unaccounted for.

Brooklyn

Of the ten local school board districts only District 22 (Jewish) and District 13 (Black and Puerto Rican) are non-Catholic. In these districts, the differences between the CSB votes and the Democratic primary averaged about 5,000 votes. While there was only one Catholic district (#20) in which the CSB votes (20,362) was greater than the gubernatorial primary (8,938 votes), the average difference in votes in the other Catholic districts was only about 2,000 votes.

Manhattan

There were districts in Manhattan which reflected a greater turnout for the LSB elections than for the gubernatorial primary though the same pattern between Catholic and non-Catholic districts

exists.

Richmond

In this district (#31) the local school board votes (22,029) outnumbered that of the gubernatorial primary (10,568) by 11,461 votes--an overwhelming figure. Again this shows the influence of the Church with its ready-made constituency of an almost exclusive Italian and Irish Catholic majorities.

Bronx

Only in District 8 was there a preponderance of CSB votes, but the pattern in Manhattan and the Bronx could be fully evidenced. As a whole, however, the turn-out of the gubernatorial primary was greater than the CSB elections but even this slight margin (100,000) does not militate against the efficacy of the Church.

Impact of Slates on the Community School Board Elections

The greatest impact of the slates on the local school board elections was that it produced boards dominated by majorities of residents who were not parents and sectarian interests who did not hold the interest of public education uppermost.

The conservatism of the community school boards was corroborated by the result of a survey conducted by the Public Education Association and the League of Women Voters which was carried in the New York Times. The Times correspondent reported that nearly three-fifths of the newly elected members were in favor of a subsidy for parochial schools, whereas 42% of all candidates agreed. This latter response is in accord with Msgr. Eugene J. Molloy's response to Long Island Press reporter, Mike Gershowitz, when asked whether he was looking for more than merely fringe benefits, the cleric replied, "Fringe benefits do

not solve the basic problems."

The New York Times' analysis of the results in the five boroughs reveals that the community school boards with very few exceptions, are dominated by White conservatives who have little or no commitment to public education, let alone community control.

Questionnaires sent by the PEA with ten questions dealing with aid to parochial schools and narocotics were submitted to every candidate who filed petitions with the Board of Elections. The response was good. In several districts more than 70% of the candiates responded. City-wide, 67% of the candidates replied. The inventory enabled the candidates to make known their opinions on such major educational issues as powers of Community School Boards, staff selection, integration, federal aid to private and parochial schools and narcotics. On the issue of the need for educational improvement, 59% of the candidates indicated the need for major changes and improvements, yet only 39% of the candidates felt that, in selecting a community superintendent, they would choose a candidate excellent on sensitivity to the conditions and needs of the community, while fair on educational experience and ability. Forty-three percent preferred the candidate who possessed excellent educational experience and ability but whose sensitivity to the conditions and needs of the community was but fair.

This does not bode well for the output of the boards as they are presently constituted. Sixty-two percent of those who rated educational sensitivity first were from districts in which the UFT and Church slates won heavily, and the campaign literature and platform on which these candidates ran espused the interests of parochial and private schools. Furthermore, their emphasis upon

educational experience and ability in the choosing of a District Superintendent reflects a belief in the wisdom of the professional educator as opposed to the input of community parents. In other words, their emphasis seems to indicate that they have opted for a strategy of reform which is one of long, incremental changes emanating from the top down (the professional bureaucracy) rather than from the bottom up--(maximum community participation).

On the major issue of aid to parochial and private schools only 48% of the candidates favored no aid at all or aid for fringe services only; 42% favored aid, either at the same level as for public schools or at a lower level. Again, this augurs badly for meaningful change within the present school system, because as evidenced by the figures 62% of the winners of the elections were candidates backed by the UFT, the Church and other organizations whose political sympathies lie with private and parochial school interests.

There is a great discrepancy in the collated percentages of the candidate's responses. While 59% of them agreed that the public schools are not meeting the educational needs of most children (and thereby in need of major changes and improvements) and whereas 42% as opposed to 48% favored aid, (either at the same level as for public schools or at a lower level) yet the CSB is composed of winners, 62% of which were backed by conservative slates.

Comparison to Ocean Hill-Brownsville and Large City-Wide Boards

The demonstration districts IS 201, Two Bridges, Ocean Hill-Brownsville) in terms of personnel, were composed mostly of community people who were non-professional and were inactive until the issue of decentralization became a burning one. The total significance of their output is dimmed by its historic proximity

and by its untimely death. Yet beyond a doubt, it proved that community people are not "politically apathetic" as can be justified by the 25% of turnout vote for the governing board elections. On the contrary, the personnel of the large city-wide boards before March 19, 1970 and the demonstration districts were highly professionalized with few women, Blacks, Puerto Ricans and representatives from community parents or citizens.

Conclusions

Meaningful and representative community school boards were the focal points of the decentralization bill. However, the complexities of the decentralization bill made administration of the school board election difficult. Consequently, despite extensive legal assistance, many citizens and parents found that their intentions to run, vote and be counted did not actually materialize--the boards were captured by the elements incapable of responding to pressures for reform of the public education system of New York City.

B. Organization

The structure of the community school boards militates against maximum functioning that would be expected in a truly decentralized system as advocated by the Bundy plan. That has shown to be true in three areas: 1) the By-laws of the boards do not enhance community participation; 2) the community boards are hampered in holding its own employees accountable; 3) and the output of policy, relatively small, reflects racial and middle class biases due to the composition of the boards.

By-Laws

To date, every single local school board has taken the initial step of organization by codifying a set of rules and principles.

The requirement of the creation of By-Laws was the only stipulation in the Decentralization Law guiding local school boards. The law states that "each community board shall adopt and may amend by-laws, including but not limited to the following requirements:

1.) that there shall be a parents' association or a parent teachers' association in each school under its jurisdiction.

2.) that the board, the community superintendent and the principal of each school shall have regular communication with all parents' associations and parent-teachers' association within the community district to the end that such associations are provided with full factual information pertaining to matters of pupil achievement, including but not limited to: annual reading scores, comparison of the achievement of pupils in comparable grades and schools, as well as the record of achievement of the same children as they progress through the school; provided, however, that such record and scores shall not be disclosed in a manner which will identify individual pupils." (Article 52-A, S2590-d, p.p. 19-20).

This was intended to encourage community boards to organize themselves formally.

The By-Laws of the CSB's spell out meeting times and the basic organization of the CSB and procedures for voting. The By-Laws generally require monthly meetings. The time and day of the regular public meeting are adopted by the Board at its annual meeting. However, the Board retains the right to alter its schedule of meetings if it deems it to be in the best interests of the community. Most of the CSB's have been holding monthly public meetings and additional meetings as necessary.

Soon after the school elections the CSBs began preparation of their By-Laws. At duly authorized meetings the By-Laws were read, debated and approved. Generally, community residents had no input in the creation of the By-Laws. Amendment procedures call for a two-thirds of the total membership of the board. Notice of intention to amend plus the text of the proposed amendment must be given to writing at the meeting preceding that meeting at which the action is to be taken. Presumably, these procedures are meant to encourage public discussion of amendments and deter hasty board action on an issue. It is not uncommon, however, to have the By-Laws suspended at a particular meeting to allow for immediate board action on an issue.

Each CSB elects from its membership a number of officers--a Chairman, Vice Chairman, Secretary and Treasurer. Some of the CSBs have organized around schools, assigning members to be responsible for a certain school or schools in the district.

Pursuant to the Decentralization Law, which permits the CSB to delegate any of its administrative or ministerial powers, many CSBs have hired budget officers to assume budgetary roles for the

district. The effectiveness of these officers cannot be evaluated at this early date. In many instances, a paid full-time secretary has been hired to handle secretarial duties for the board. The appointment of such personnel is intended to free CSB members from work which they cannot perform as unpaid lay officials.

Most CSBs have their offices in one of the local public schools. Several, however, have rented new quarters to house the board and the district office. One area which has not been sufficiently explored but which is necessary to the effective discharge of the CSB role in decision making is its office staff. Most of the CSB office staff are relatively small, comprising about two to three persons on the average. Sometimes the CSB chairman acts as office manager. In his absence, the secretary (if there is one) takes charge of the one or two helpers.

The unusually small staff places additional pressure on the CSB members to complete their assigned tasks, not to mention the difficulty the general public encounters when seeking information of the district.

Community School Board and Staff Relations

The 1969 Decentralization Law empowers the community school boards to implement disciplinary procedures against their own employees. The "due process requirements" under which the CSBs can exercise this general grant of power delimits the boards' effectiveness in this area. Though community boards can "impose penalties on tenured employees or dismiss them for reasons specified in the law after trial on charges initiated by the community superintendent", the community boards' decision can be overridden by the City Board

whose "decision is final, subject only to any applicable arbitration provision in a union contract or allowable review by the state education commissioner, or the courts." (Summary of the 1969 School Decentralization Law for New York City, Section X.)

The letter of the Decentralization Law would lead one to believe that all the personnel, whether pedagogical or administrative, are accountable to the CSBs. To give control over teachers and administrators who are not hired by the community boards is tantamount to a trojan gift. The power to initiate disciplinary proceedings against an employee through the district superintendent with veto power over the board's determination given to the City Board is not the same as the power to initiate proceedings, recommend penalties and impose them. These two powers differ significantly and this difference must be emphasized and borne in mind despite the clamorings to the contrary if the relationship between the community school board and its employees are to be understood.

More explicitly, the CSB, according to the law, employ a district superintendent and his staff. The law explicitly states that the CSBs can dismiss the superintendent for cause and with due process' etc. Very few observers of the school system argue against the CSBs power in this respect. On the contrary, however, these observers are strongly divided on the CSBs power over even the staff of the district superintendent, far less, the teachers and supervisors. The only personnel, except for the district superintendent, whom the CSBs can fire without unnecessary pressure, is the one or two general help in the offices of the CSBs. The power to fire one or two general help is totally inconsequential

and irrelevant to the control over teachers and supervision that the Decentralization Law purportedly gave to the CSBs.

The law attempts to separate the jurisdiction over employees. It stipulates that the chancellor and the city board "shall retain the power to discipline its own employees" and that the community boards also have "the power to discipline their own employees." (Summary of Decentralization, Section X) Though the language of the law is straightforward on the division of jurisdiction over employees between the City Board and CSBs process of hiring, assignment and dismissal of CSB personnel is plus hampered by union contracting. In other words, whereas the manifest interest of the law was the granting of power over teachers to the CSBs, operationally, it is the City Board which latently exercises this power.

In District 26 for example, there are 29 positions pedagogical and administrative, on the Superintendent's staff. Of these, there are five supervisors, seven teachers assigned as coordinators of various subjects. Eight other posts complete the pedagogical staff. The point here, is that, although these persons have been hired by CSB 26, the union contracts negotiated between the UFT-CSA group and the City Board of Education renders the laws' granting of control over teachers and supervisors to the CSBs totally ineffectual. The cost to the Board is $426,803, a hardly insignificant sum for these services and this may help explain why the CSBs have but a temuous hold on these employees.

Issues

A breakdown of the frequency of issues discussed by all thirty one local school board districts during their first year in office,

TABLE I

DISTRICT 26: POSITIONS OF D.S. STAFF AND OPERATING BUDGET

Function # S2-52311
Function Title Community Superintendent

Authorized Condition
As of November 1, 1970

PERSONAL SERVICE

Title	Positions	Rate	Amount
Pedagogical Personnel			
Community Superintendent	1	35,000	$35,000
Exec. Asst. (asst. to Princ.)	1	22,550	22,550
Assistant to Principal	1	20,550	20,550
Supervisor (Art, Music, Attendance Con't Ed., School Library)	5	20,550	102,750
Guidance Counselors	2	16,972	33,944
Teacher assigned as Coordinator Various Subjects	7	16,000	112,000
Teacher assigned as Coordinator	1	13,500	13,500
Supervisor of Guidance	1	21,735	21,735
School Secretary	1	9,580	9,580
			$
Administrative Personnel			
District Business Officer	1	13,650	13,650
Administrative Asst.	1	9,150	9,150
Administrative Asst. (Secretarial)	1	8,500	8,500
Assistant Accountant	1	8,400	8,400
Supervising Clerk	1	8,350	8,350
Senior Clerk	1	6,300	6,300
Senior Clerk (Attendance)	1	7,800	7,800
Stenographer	1	5,750	5,750
Typist	1	5,350	5,350
Assistant Stockman	1	5,500	5,500
TOTAL PERSONAL SERVICES	30		$423,799
TOTAL OTHER THAN PERSONAL SERVICES			$ 3,004
GRAND TOTAL			$426,803

shows, that a wide variety of issues were discussed. They can be categorized under four main general headings: Personnel, Curriculum, Budget and Rezoning. We have examined 65% of CSBs minutes of public meetings available, interviewed over 30% of the CSB members and observed approximately 50% of all the meetings held by the Community School Boards during the past year. Only very few policy issues were implemented.

It seems that community school boards which serve a predominantly Black and Puerto Rican community spend a great deal of their time, in comparison with boards in White communities, with personnel matters. Many of these school boards send recruiters to Puerto Rico in an effort to pick up bilingual teachers to replace those teachers that were fired due to incompetence or excessive lateness. This overhaul of personnel taking place in the schools in these communities may be seen as an effort to rid their schools of teachers foisted on these communities years ago by an insensitive Board of Education. In the Black and Puerto Rican communities, the CSBs seem to be more watchful of the activities and competence of the teachers.

Nor does this defensive measure prevent them from initiating new or special programs in their schools.

Both White and Black districts are equally concerned about the use of TITLE I funds and spend a great deal of time on this. It was the issue brought up the second most frequently at community school board meetings, the appointment and placement of principal and assistant principal taking first place. The concern over Title I programs by both Black and White districts does indicate that it is the only area in which they seem to have some leeway. Title I funds come from

the Federal Government for those districts which qualify and is meant to be a separate allocation from the City Board's allocation for education. Community school boards in Black and Puerto Rican communities spend more than twice as much time evaluating the effectiveness of the different Title I programs than White boards (71% to 29%). This fact can also be substantiated in the difference in time spent on the RECRUITMENT OF OUTSIDE PERSONNEL. Black districts spend 61% of their time on this issue. White districts spend 39%. Many of the outside people hired by the Black districts consisted of people or organizations to coordinate and evaluate Title I programs.

The largest difference between the White and Black districts existed in Rezoning and Utilization. Rezoning and Utilization were almost entirely "White" issues.

	Black	White
Rezoning	16%	84%
Utilization	27%	73%

The large disparity between these two figures highlights the will or lack of will to equalize utilization of the schools in districts that had large differences between schools in the same districts. Rezoning is an attempt to segregate the Black and Puerto Rican children in the districts to certain schools. This issue was not brought up at the meetings of Black CSB districts because they do not have anyone to segregate.

Plant Facilities, Repair Maintenance and Construction were issues discussed across the board. Drug abuse programs for the schools was an issue discussed more at White districts than at Black districts--57% to 43%. Although the difference is only 14%, the 14% should be the other way, to correspond with the degree of drug abuse in the city's

area. It may show the school boards in the A districts unwilling to compete with drug programs already existing through city, state and federal agencies already in Black and Puerto Rican communities. discipline was an issue not widely discussed but brought up almost equally at Black and White community school board meetings.

This analysis suggests that there is some correlation between the kind of policy output and the composition of the district. That is to say, that the issues raised, discussed and acted upon bear a closer relationship to the ethnic composition of the districts than to an objective commitment to raise educational standards and achievement. In White districts, the main issues raised so far has been on Rezoning and Drug Abuse. For instance, when the issue of rezoning or busing arose in District 22, the attendance at these meetings increased dramatically. District 22 maintains a somewhat cordial relationship with the community but the CSB was never so attacked as when it decided to bus children within the district so as to help desegregation and relieve over-utilized schools. Some 500 people packed the auditorium and criticized the CSB. Nevertheless, the CSB won.

COMPARATIVE FREQUENCY OF ISSUES DISCUSSED BY THE DISTRICTS

TOPICS DISCUSSED	A DISTRICTS		B DISTRICTS	
	Percents	No. of times discussed	Percents	No. of times discussed
Recruit teachers	66.6	(8)	33.4	(4)
Hiring Practices and Procedures	42.	(21)	58.	(29)
Granting tenure	52.	(18)	48.	(17)
Teacher transfer	55.	(5)	45.	(4)
Appointments	44.	(25)	56.	(31)
Criteria to select personnel	40.	(13)	60.	(20)
Suspensions	78.	(11)	22.	(3)
Outside personnel	61.	(11)	39.	(7)
Budget modifications	62.5	(5)	37.5	(3)
Use of Title I Funds	44.	(16)	56.	(20)
Other ways to obtain Title I Funds	50.	(7)	50.	(7)
Evaluation	71.	(12)	29.	(5)
Rezoning	16.	(5)	84.	(24)
Maintenance	43.	(6)	57.	(8)
Repair	53.	(8)	47.	(7)
Construction	50.	(11)	50.	(12)
Utilization	27.	(3)	73.	(8)
New programs	25.	(6)	75.	(18)
Drug abuse	43.	(10)	57.	(13)
Discipline	43.	(3)	57.	(4)

Table based upon the information from over 35% of the minutes from all the districts.

A (Districts with over 70% Black and Puerto Rican pupils- 1, 3, 4, 5, 7, 8, 9, 12, 13, 14, 15, 16, 17, 19, 23)

B (Districts with over 70% White pupils - 2, 6, 10, 11, 18, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31)

III. COMMUNITY PARTICIPATION

One major purpose of school decentralization was to involve the school community both formally and informally in the decision-making process. The assumptions underlying this precept have long been acknowledged by educators and laymen alike: the more parents and citizens are involved in their schools, the less alienation is felt in the homes and the better a child produces within the school context.

Moreover, the growing distrust and hostility towards school, that became the legacy of the former apathy of the urban poor, both black and white, was in immediate need of correction. The symbol of that economic and racial antagonism was the fortress school in the urban black ghetto.

Hopefully, a community school system would enlist the apathetic and the hostile in new relationships in the school. One brillant conception in the Bundy plan was to have only those who had the greatest stake in education, the parent clients, choose the community school boards. Unfortunately, the design of the school decentralization law strongly influenced the community boards to exacerbate an already tense situation. The new community boards were unrepresentative, as has been shown, so that white middle class board members with other than public school interests would administer school policy for a predominantly black poor constituency.

An essential test of the community school boards would be their effectiveness and concern in broadening community participation in

school decision-making. To keep the community informed of the activities and decisions of the board and to facilitate the community's participation in the formulation of district's policies, Standing Committees have been established by all local school boards. One common committee has been Community Relations whose function it is to "focus on . . .all aspects of relations between the Board and the entire community which it serves." (Article V, Sec. 1-By-Laws District 22)

A second measure instituted by the community school boards to achieve broadened community participation was the mandating of the creation of Parent Associations and Parent-Teacher Associations in all schools, where such organizations had not hitherto existed. The rationale behind this mandate is for the community school board, the district superintendent and the principal of each school to have a community-based organization with which to have regular communication. Though this mandate was stipulated under the Decentralization Bill (Section 2590-d), the vigor and dispatch with which it has been complied does indicate an honest attempt for community participation.

Moreover, some districts, Manhattan's #2 for instance, have gone farther than the law and have established Area Advisory Councils in each elementary, intermediate and junior high school. Community School Board #2 recognized that it has the responsibility in three general areas:

(1) to "ensure proper representation in the educational affairs of the district." To this end, these Area Advisory Councils have been established to "hear the programs and problems of each school and assist concretely with advice and work in the implementation or solution thereof.

(2) to convey to the staff of each school the needs, resources and aspirations of the community surrounding each school, and to,

(3) interpret to the community the program, needs and achievements of the school. All three goals are geared to constituting the school as a complete center for community activities." (Article IV, Sec. I; Article XI, Sec. I)

The Chairman of Community School Board 16 in Brooklyn has assigned "liaison" members to the various schools in the district. Their function is to serve the Board as a clearing house of information and data with respect to the schools to which they have been assigned. More specifically, they are to "establish lines of communication between their respective schools and the Board." (ArticleV, Section 3).

Procedures at public meetings are generally the same. Proposals and topics on the agenda can be formulated and placed by board members as well as by community residents. The community is officially permitted to and does participate heatedly in the discussion of issues.

The long catalogue of issues raised, the number of proposals discussed in the local school board districts, the seemingly democratic procedures adopted by the CSBs and their workman-like structural arrangements would, at first sight, lead one to believe that the CSB members are serious in their desire to involve their districts in real community control. However, closer inspection of the decision-making process contradicts one's first impressions and points up the fact that the intent of decentralization to enlist the community into the decision-making process is being neglected, if not controverted.

There is nothing in the decentralization law, however, that sought to provide accountability of the community school boards to the community. It is left entirely to the community school board to determine the extent of community and parent involvement and the mechanisms for

effecting broader participation. Some are skeptical of the value of this confrontation because the District Superintendents often respond with, "I'll check it out tommorrow." Though the record of the relationship of the Community School Board to the community is less than desirable, some CSBs have indicated efforts in an attempt to expand participation of community groups in the district. The experimental districts of Ocean Hill Brownsville and IS 201 showed that community hostility to unit administrators or to CSBs can be assuaged only by a sincere acceptance of the community as a partner in the decision-making as it pertains to personnel, budget and curriculum. Correspondingly, the few community boards sought to broaden participation.

Preliminary studies of the new local boards by the Institute reveals patterns of indifference to enlisting informal mechanism for community participation. On the whole, the actions of community school boards could be categorized under these headings: 1) domination by professionals; 2) general disregard of community; 3) increased racial hostility; 4) active disregard for the boards by the community; 5) domination by Catholic Church-influenced boards; and 6) exceptions where community enlisted wide community support and participation.

1) Domination by Professionals

The pattern of local suburban school boards is for a formal role for public participation in policy making through elected school boards and an actual role whereby policy is designed by the professional expert, the superintendent. Through a syndrome of drift, laymen defer to the wishes of the superintendent and merely ratify his decisions.

This has also been true to a large extent in the New York community school districts. At best, in many cases, the lay members defer to their community superintendents; at worst, theirs is an adversary position with the superintendent able, in the final analysis, to determine policy. This has been particularly true in such districts as 7 and 21.

In District 7 in the South Bronx, for example, board and superintendent relations became extremely strained. What has occurred is a steady demise of community trust in the community board to the point where the June public meeting where two new members of the board were elected, broke into a verbal confrontation. This display clearly illustrated the community's distrust of the board, as no candidate the community wanted was elected, and the audience felt it was being manipulated. The reasons for the erosion of confidence between the board and the community are easy to isolate.

One community school board member in District 7, referring to the district superintendent, cites one prime reason for the breakdown in District 7. "He (the District Superintendent) does not follow our suggestions. . .he makes up the law." The president of the board agrees. She claimed the district superintendent didn't inform the board on matters. Thus, the one individual most responsible for implementing changes, doesn't seem to follow the policy decisions of the community school board. To the community, it appears that the only programs adopted by this board are those favored by the district superintendent office. (Board Interview in July.) This pattern is repeated in District 21 in South Brooklyn.

"We've done nothing. We don't run this district", one board

member stated when speaking of the district superintendent. This district superintendent, similar to the superintendent in District 7 of the Bronx, has been reluctant to utilize any of the plans of the curriculum committee of District 21. The district superintendent works as she did under the centralized system, ignoring programs she doesn't approve of. The district superintendent is often secretive, and in general has prevented this community board from bringing any meaningful changes in curriculum or procedures.

In District 18, one board member felt the district superintendent did not fully inform the board. A board member of District 26 reacting in a similar fashion to the actions of the district superintendent charged, "I only know what she wants me to." Again, as with the districts that do not include the parents in decision making those districts with district superintendents who are living in the world of centralized education, have little to show innovating in the areas of curriculum, budget, or personnel.

In District 3, in the Upper West Side, one finds another model for a strong professional role. The district has a new superintendent, young and articulate. An index of the CSBs relationship to him is indicated by "explanations" to proposals made. They often begin, "CSB 3 accepts the recommendation of the community superintendent ..." or "the following persons have been recommended for tenure by the community superintendent shall be issued permanent certificates of appointment." Such language suggests that the CSB defers to its district superintendent. There are, of course, exceptions. He recommended, for example, that Title I and state urban aid monies be spread around the district more equitably. The CSB sharply rebuffed him for this; it favored a couple

of experimental programs in two schools and chose to continue funding them as before. A board member, furthermore, expressed her belief that the district superintendent often tended to subvert the CSBs directives by presenting them in his own ambiguous versions. But the general pattern seems to remain--the CSB follows the district superintendent's lead.

A paradox exists in the largely middle class District 24 in Queens. Here one finds formal mechanisms for participation which ironically have not been resorted to by a traditionally highly active white community politically and educationally. All actions taken by the board seem to be the results of its committee findings, and voting committee assignments are open to everyone. A committee consists of one board member, 2 UFT representatives, 2 CSA members, and as many parents as would like to join. Since all members vote on decisions, if five or more parents showed up for each committee, they would in fact control board policy. When observing District 24, one has to be struck by the lack of participation. Not only are committees open to members of the community, but this board has taken the step to announce to Parents' Associations which teachers are on probation.

2) General Disregard for the Community

Another symptom of the lack of community involvement has been the outright disregard of the expressed wishes of the community made felt in the monthly board meetings. This has been particularly true, for example, in Districts 17, 19, 27 and 29.

Districts 17 and 19 are predominantly black districts in Brooklyn where unrepresentative white boards make school policy. In District 17, this situation is dramatic: the board is dominated by 6 whites who

represent 12% of the population, whereas three blacks represent the majority 77% of the population. Not unexpectedly, the community is never involved in the decision making.

The disregard of the community is also prevalent in the white areas. In District 1 in Manhattan, the community board shrugs off parental criticism at meetings that they do not have a say in school. With a 91% minority pupil population and a school board composed of 3 Puerto Ricans and 6 Whites, the community felt unrepresented and urged the Community School Board to appoint the black candidate on the following three criteria:

(1) He was fully conversant with the district's needs, being president of NAG (negro Action Group), and the parent of 3 children in the public schools of this district. It is important to point out that only two of the CSB members have children in the public schools in this district.

(2) He was top runner-up in the original school board elections in March 1970. He polled 22 votes less than the candidate who was elected 9th.

(3) He won the unanimous backing of the Black Caucus Organization who supported him for the vacated post.

In the official screening procedure set up by the CSB to make recommendations for the vacant post, the President's Council of the PTA gave 10 votes for the black candidate, 3 for a white, and 1 for another white.

One would think that these events would influence the CSB to appoint the black. Instead, they became deadlocked since only four members on the CSB supported him--the 3 Puerto Rican members and the chairman--and the determination of this item necessitated a majority of five votes. One week afterward, word was passed to the chairman that the

four recalcitrant members of the CSB were ready to support the black's appointment in return for a 3-point package deal which included the--

(1) announcement of a member's resignation as a member of CSB #1, and the resulting vacancy on the Board at the same meeting.

(2) appointment of the resigned member to the $25,000 per annum job of Executive Assistant by the board at the same meeting, and that

(3) the appointment of the resigned member be immediate and unopposed.

This item on the agenda was entered as "plural vacancies", even though only one vacancy was in the possession of the CSB. When approached, the chairman of the Community School Board's Personnel Committee refused to reveal names of the other candidates for the position of Executive Assistant to the other four members of the CSB who were making the inquiry. Not only did he refuse to say whether the resigned was one of tentative candidates. However, in an executive session of the Personnel Committee of the CSB, one day before the open meeting, the chairman did reveal a list of 12 candidates for the job and one of them was the resigned member whose candidacy was never discussed by the CSB as a whole.

At a meeting on February 23, 1971, the CSB voted 5-3 for the black's appointment, putting off for another date the appointment to the post of executive assistant. To date, however, the post is not filled because the four recalcitrant CSB members are now unwilling to sponsor the candidacy of the resigned member's for fear that his absence would now make them the minority faction on the board. In the meantime, the community waits.

In District 30 in Queens, the community school board in District 30 effectively cut-off communication with the community when 24 out of 25 school PAs petitioned for a particular person to assume a seat on the board vacated by a disqualification. District 27, also in Queens, also does not involve the community in interviews of principals, except to observe the proceedings.

3) Racial Schism

The unrepresentativeness of the boards create tense racial conditions between the white boards in black school communities. This is true in Districts 17, 19, 27 and 29, among others.

In District 19 in Brooklyn with a combined school population of 88% black and Puerto Rican with only 2 members represented on the board, the conflict between the board and community was not hidden. This apparent disregard and loss of respect for the community school board was evident during a recent board meeting where the board president asked the community to submit resumes for a vacated position on the board. To date, not one resume has been turned in.

In District 1, the election of a replacement for the CSB seat vacated by one member who resigned in September, 1970 is a good example. The byzantine plots and counterplots which characterized the procedure of the CSB to fill this vacancy suggests a CSB which is hostile to community sentiments and arrogant in its operation.

The main contender for this seat was black.

4) Active Disregard for the Boards by the Community

Community opposition to the boards has taken various forms including disruptions at meetings and failure to cooperate with the

boards. One of the most extreme cases indicative of this type of tension occurred in an overwhelmingly white area in Brooklyn, District 22, where court action was instituted by parents against the board.

The district has had one suit in this area: the PA at PS 222 sued the CSB arguing that is was not legally consulted on the appointment of an acting principal for its school. The PA group contended that it was presented with "the choice of one candidate" and asked that the board be directed to remove the appointee until there has been "meaningful consultation." The State Supreme Court dismissed the case.

The attitude that characterizes half the CSB is expressed by its chairman: It was "unwarranted to think we haven't considered parent consultation. We tried to persuade the parents that consultation does not mean a veto over our judgment."

5) Church Domination and Participation

The final force that has been effective in preventing change has been the church. District 30 is generally stalemated on all issues by a powerful church bloc. District 26 in Queens allowed the Catholic Church to gain important influence and this influence has restrained all movements towards parent involvement and reform in curriculum, personnel, and budgetary management. In District 20, representatives of the Catholic Church dominate and do things as they see fit. In addition to these districts, the church has significant strength in Districts 21, 25 and 22 (where four members ran on a church slate causing a genuine community suspicion of the board). Moreover, in all of these boards, few achievements would not have taken place under the old centralized system, and the parents are not included in decision making.

District 20, with a pupil population that is 79% white, elected to its community school board in southwestern Brooklyn, nine white members. This board, presiding over the largely Catholic areas of Bay Ridge and parts of Bensonhurts, is run like a "tight ship" by Reverend Michael French. District 20 does not suffer from a paucity of programs. As power and control of the district remains firmly in the hands of the church dominated board, there has been little initial change in the administration of education.

District 14 includes Greenpoint, parts of Brooklyn--Fort Greene, Williamsburgh, and Bedford-Stuyvesant. The pupil population is 63 percent black and 10 percent white. The CSB presently consists of 5 whites, 1 Puerto Rican, 1 Cuban and 1 black.

The church has made itself felt in this district. Six CSB members ran on the Catholic slate. Brother Lally is the president of the board. Perhaps the most notable instance of the church's impact occurred when the CSB passed a resolution supporting the adoption of the Lerner Bill to provide parent-student aid for the education of students in full time attendance in non-public elementary or secondary schools. This step did not endear the board to those in attendance as disruptions immediately followed which prohibited further proceedings.

6) Exceptions

The one district that significantly had a rapport with the community in making school policy was District 6 in the West Side, perhaps the only really integrated community in New York City.

District 6, located on the Upper West Side of Manhattan, unites a white, middle class community (25% of the school's population) with a black and Puerto Rican community (75% of the school's population in this district). With the election of the only three members of the black and Puerto Rican communities to the district board, this community school system, with its heavy white over representation, seemed ripe for explosion. However, instead of that anticipated breakdown in confidence between the community and the board, this community school board, led by its president, has managed to gain the respect of the community.

The gaining of confidence for this board was in no small part due to the multitude of curriculum programs presented in a twenty-eight page booklet, Tentative Planning: 1971-72 Federal and State Funded Programs. All of these programs were designed with the cooperation and help of strong parental advisory committees.

In matters of personnel, this board has shown its belief in community participation by allowing primary interviews for principal positions to be done by the parents. The Parents Association of each school interviews all candidates, and sends to the community school board a list of three individuals they would be pleased to see as principal. The community school board then selects one of these people. To date, the community school board has gone along with all Parents' Association recommendations, in black as well as white schools, and been able to give the available position to one of the three people listed.

In the discussion of a Vermont Summer Camp, where the community wanted to send 75 children for four weeks, the board wished to send only

60 children for five weeks, so as not to "transfer New York's ghetto crisis to Vermont". Racial inuendos were bantered about and parents felt they were being manipulated. Eventually, the board realizing the determination of the community, changed their minds and sent the 75 children to Vermont.

Clearly, despite the forward thinking and community attitude of this board, by its disproportionate make-up, it is incumbent on the black and Puerto Rican parents to remain a highly effective pressure force, and the board to keep up its strong policy of parental input into the decision making process. With both sides following this pattern, it will be easier to maintain peace and achieve educational success.

Comparison With Experimental Districts

These preliminary investigations of the Institute for Community Studies of the role of the new boards vis-a-vis citizen participation compares unfavorably with the three ill-fated pilot programs previously incorporated--Ocean Hill-Brownsville, IS 201 and Two Bridges--which sought community control. A recent three year study by the Institute --Demonstration for Social Change--reported a high degree of parent participation in school policy in those districts.

The study noted that: "In addition to the formal mechanism of elected boards, there were secondary participatory mechanisms instituted in the three demonstration districts. These included such features as mandated open governing board meetings, school meetings, district meetings and rallies; school committees; use of para-professionals who functioned as a bridge to community; employment of community people in special programs; use of schools as community centers; consultation with the community; and the free access to district staff and school staff.

Moreover, the governing boards often informally solicited the opinion of the community on policy matters. In Two Bridges, the governing board asked the school committee in PS 126 to help select a principal. In the same district, parents were queried on their reactions to Title I programs. In Ocean Hill, Principal Louis Fuentes sought community opinion and involvement in the installation of an innovative bilingual program.

The districts sought more informal contact with the community. In Ocean Hill-Brownsville, schools maintained family rooms for the express use of parents. In IS 201, the district operated their schools as a community cultural center, becoming the focus of leading events in Harlem. Individual schools often ran open house to familiarize parents with school happenings." (Marilyn Gittell et. al., Demonstration for Social Change, New York: Frederick Praeger, 1971 p. 10).

Moreover, the study showed that a sample survey of parental attitudes toward the governing board in one district, Ocean Hill-Brownsville, indicated that the parents had a feeling of making school policy and a closeness to the governing board and staff.

"The results of the survey also show that the parents had strong feelings of efficacy in running the schools, as four-fifths of the parents interviewed believed that they had more influence or about the same amount in running the schools compared with a few years before the creation of the Ocean Hill-Brownsville school district. Nearly three-quarters of the parents thought that the schools were better or about the same in that comparison. While the respondents felt that they had a considerable amount of influence in the Ocean Hill-Brownsville school

district, they wanted more.

The respondents in the survey seemed to have positive attitudes towards local control in the district. In an overview of the job assessment given school officials in the Ocean Hill-Brownsville experiment, the parents assigned positive ratings of 75 percent to the principals, 57 percent to the local governing board, 58 percent to the unit administrator, and 50 percent to the Board of Education. In general, the evaluation given to local leaders and teachers was higher than for city-wide educational leaders. This survey also offers evidence that the parents developed positive feelings toward school facilities and the school environment." (Gittell, p. 65).

PART TWO

SCHOOL POLICY

INTRODUCTION

The current debate in educational circles focuses on the ability of schools to affectively educate its clientele, including an urban poor. Traditional reformers are convinced that what troubles the schools concerns faulty school policy. Public schools have not (and perhaps never have) successfully accomplished their mission because of varied policy malfunctions. What must be done, according to these reformers, is to make policy fit the need.

On the other hand, one group of analysts seriously questions whether the public schools can overcome the social and home background of pupils. Certainly, with the poor, they argue, the school cannot overcome deprivation adequately. Therefore, one must first reform society, specifically, eliminate poverty. Other critics, such as Ivan Illich, contend that public schooling by its nature destroys the will to learn, and counsel for the abolition of public schools. That extreme view illustrates the widespread alienation schoolmen have recently experienced concerning the ability to learn.

The bulk of the evidence tends to support the position of the reformers intent on changing school policy. The largest educational studies we have - such as James Coleman's et al Equality of Educational Opportunity --- indicate the potentials of improving educational opportunity through policy change. And educational achievement is the goal

of schooling, and policy, merely the recipe.

There are winners and losers in the public schools. There are those who will achieve whatever the circumstance, and those who can only achieve under nurtured circumstances. And the educational principle we have rediscovered is that various youngsters flourish under different auspices and in different programs and different rates of development. This educational variety must be accounted for in policy.

One glance at the educational failure in New York City schools reveals the dysfunctional school policy. Approximately one third of all New York City pupils fail. Why?

This review of school policy attempts to trace that failure as a result of dysfunctional policy. It does not take into account social class and family background; studies of the crippling effects of poverty should complement policy studies to obtain a more balance picture. Government must, therefore, legislate not only on educational policy but on broader social concerns to improve the schools. But our main concern is policy that has direct relationship to pupils.

We have examined four critical areas of school policy which, affect public schools and pupil achievement: 1) educational program; 2) personnel; 3) budget; 4) and school construction. Unfortunately, New York City has not witnessed a successful school policy in those key areas, partly due to the lack of a clear and coherent educational philosophy, and partly due to the inability to change. A great measure of that inadequacy must lie with a bulky and hesitant school structure which, by its unaccountable nature, undermines the design and implementation of school policy.

That distribution of policy power has placed authority almost solely in the hands of school professionals. Those, who as a group, are least motivated to sweepingly change school policy administer it. Consequently,

groups who most want change have been unable to obtain it. Thus, many school reformers advocated revamping the structure through decentralization and community control.

This summary perceives school policy to account for educational failure. Many studies over the years have repeated this same criticism. In the matter of governance and structure, Marilyn Gittell's Participants and Participation, David Rogers 110 Livingston St., and the Bundy panel (Mayor's Advisory Panel on Decentralization of the New York City Schools' Reconnection for Learning) recommend decentralization and community control. These studies summarize the findings of thirty years of recommendations from a study by the Women's City Club to William Jansen's studies in the 1940's.

Similarly, studies of personnel practices, student policy, construction and budget over the years have severely criticized policy and its effect. The thrust of the recommendations of these studies has been to revitalize the policy process so that there will, in the long run, be fewer losers and more winners in the public schools.

I. EDUCATIONAL POLICY

Educational policy in the New York City school system poses a paradoxical problem for serious educational analysts. On the one hand, there can be no doubt that the greatest educational variety is instituted in New York City schools. Nearly every educational approach and curriculum finally gets tried in the school system. On the other hand there can also be little doubt that the New York City schools are failing their clients, particularly an urban poor.

Fully one third of New York City public school pupils are one or more years behind in reading compared with national norms. The results of the latest tests in 1970 show that number to be edging towards 40%. Only one third of New York high school students go on to college compared to nearly half of those high school students nationally who enter college. The dropout rate of Black and Puerto Rican students is over 50 percent. Approximately 14,000 pupils were suspended in 1971.

This dismal record is not limited to a Black and Puerto Rican poor, who, admittedly are least served by the school system. A study by the Institute for Community Studies showed that students in thirteen predominantly White Brooklyn high schools performing poorly. (Carol A. Wielk, White Academic Failure in Brooklyn High Schools, Community, Feb. 1970. The study found that: 1) In three schools over 50% of the White students in the June 1969 graduating class did not qualify for academic diploma; 2) In four schools more than one third of the White students in the same class did not qualify for academic diploma; 3) In the remaining six predominantly White high schools in Brooklyn at least 20% of the whole students in each graduating class did not qualify for

academic diplomas.

Another study by the Special Task Force of the Citizens Committee for children of New York in 1970 corroborated the Institute report. The Task Force report continued:

Of the 65,203 students admitted into high school in June of 1968, 18.8% did not complete their junior year, 39.5% did not complete their senior year. Only 60% finished high school and were granted diplomas. 63.4% of the 1968 class either transferred or dropped out of school or received diplomas which certified them as being able to enter college.

These figures on achievement are corroborated by other statistics on teacher and pupil absences indicating the serious malaise of the school system. Of all major cities New York had the lowest pupil attendance (83% and steadily dropping). In 1930-1, the attendance rate was 92.3% and in 1965-6 it was 87%. One school, Boys High, had a 51% figure of attendance. And a recent Board of Education study cited in the Feb. 3, 1970 New York Times reported teacher absenteeism as having increased by 50% in the previous three school years.

Yet, New York City is renowned for the scope of diverse educational programs instituted in its various schools. It has a progressive educational policy concerning both curriculum and pupils in the last few years. One can see an open integrated classroom, a Montessori classroom, a school without walls, a Bereiter-Engleman schools, the latest bi-lingual classroom, talking typewriters and computerized education, a More Effective school. In short, nearly every new educational idea has been instituted in New York City.

Moreover, the New York City public school system has been of a pioneer in adopting rules pertaining to student rights. In the last

year, New York has drafted a bill of student rights attempting to beneficially affect public policy. One seasoned educational observer credits the school system with high marks for its far reaching ability to absorb new trends and methods; the New York City bureau of curriculum, according to this observer, is considered as one of the top agencies nationally attracting highly qualified professionals.

The major difficulty in affecting educational policy that will improve the lot of New York City pupils has been implementation. Critics contend that more enterprising educational innovations are implemented on an experimental and piecemeal basis. One can find exciting educational ventures in scattered classrooms; little effort is made to translate these successful recipes into programs that might effect substantial numbers of students. This, in the eyes of many critics, was the case under the old system prior to the creation of community school boards whereby educational policy was determined by professionals and trickled down to a school level. Since then the Community School Boards with their limited powers over curriculum and pupil policy have been unable to counter the previous trend due to lack of time and experience. In some schools in some districts, of course, the boards can claim individual efforts of a high caliber.

A more notorious aspect of the failure of education, under the old system policy is lack of implementation. This was succinctly documented by David Rogers in his study 110 Livingston Street regarding the lay board's adoption of open enrollment -- permitting Black pupils to attend any school of their choice. The board had laudably adopted a program to better integrate the schools. In practice, Rogers notes, open enrollment failed simply because the field superintendents and

principles disregarded board directives and failed to notify Black and Puerto Rican parents in their school communities of this program. Rogers observed:

> Flooded with so many directives from so many bureaus, angry at how little headquarters knows about local conditions, and frustrated by the red tape, many field personnel of the New York City schools concluded that headquarters could usually be disregarded. This was not just a minority view held by a few rebellious field officials, but was part of their shared outlook, and one was a deviant if he did not follow it. (p. 299)

The School Decentralization Law diffused educational policy responsibility to the community boards. The community boards could establish policy concerning curriculum, textbooks and evaluation with the approval of central headquarters (the Chancellor), provided also that these programs meet standards set by the Chancellor; and with the exception of special policies adopted by the central board affecting all districts. In two instances the central board mandated a Black history program and narcotics education program in all the districts.

Few of the community boards were able to sufficiently muster significant energy to implement innovative educational programs. One notable exception was the community board in District 6 which prepared an education design of some 70 proposed educational programs including open integrated day, urban and ethnic studies, bi-lingual programs in Spanish and Greek and a host of improved reading projects. Other areas

such as District 18's board instituted a few programs such as the Block School which is a variant of the open classroom for pre-schoolers. Nevertheless, no pattern is emerging so that the community school board patchwork of educational innovation resembles that under the central board before the creation of community school boards under the 1969 state act. Some educational pioneer programs have been continued year after year without ostensible signs of productivity. For example, the More Effective School program, initiated by the teacher's union and implemented some seven years ago, provided saturation teacher and special services for ghetto children. This program - hailed as an educational panacea - has failed to live up to its expectations. Preliminary studies have not shown substantial gains in pupil achievement. With some 17,000 pupils the MES program -- the most widely known and expensive project in the country for poor children -- was not a panacea. The latest evaluation in 1971 by the Pyschological Corporation, observed a program that greatly enhanced the pupil's image in terms of understanding in confidence and learning desire, but did not produce academic gains. Still the MES program continues.

Yet study after study has emphasized the need for innovative programs which would reach a sizeable segment of the student population. A report on student unrest partially disclosed last summer in the New York Times (but not officially released) emphasized the major need for a variety of new educational programs to reach "non-motivated and bored students" and that these approaches be sufficiently broad since "curriculum innovations and special offerings reach too small a percentage of the school population." This study, commissioned by the Chancellor, interestingly enough, was conducted not by parents or student

representatives but by authority figures -- representatives of the Council of Supervisory Associations the United Federation of Teachers, and the Police Department. They reported on the widespread student unrest in the high schools of the past few years where half the high schools had to seek additional police help. A major cause of the disruptions was the failure of the high schools to offer "viable programs for a large segment of the student population." (New York Times, Aug. 2, 1971, p. 32).

One notable lack of educational policy under the old system was the absence of a policy role for either parents or students in determining curriculum. A study by Marilyn Gittell in 1965 published as Participants and Participation observed no participatory role for the clientele in making educational policy, rather that policy was fashioned by the central headquarters staff.

Under the new community system, little has changed. The community has little voice in determining policy. In those districts where there is a significant educational output, however, such as in District 6, the curriculum was designed with the cooperation and strong help of parental advisory committees. There has been almost no student involvement in the creation of educational policy.

Significantly, the new Chancellor has made as top priority items in his administration implementation of decentralization and his attack to change personnel policy rather than curricula advances. Chancellor Harvey Scribner has promoted minor ventures at this time -- a school without walls, an auxiliary high school and the like -- but no major educational thrust. His staff are engaged in the study phase with a Study and Implementation program that theoretically gives the central Board of Education a blueprint for future action.

Pupil Policy

Neither has their been a dramatic change in pupil policy under the new decentralized system. This is especially true in such critical educational areas as tracking (ability grouping) and suspension and dropouts.

Tracking or ability grouping has long been deplored, particularly by civil rights groups, as being both educationally unsound and racist. Under homogenous grouping, children are grouped beginning with the second grade on the basis of ability to read. This has a deleterious effect on late bloomers who soon realize that they are "slow" and expected to be under achievers. By the third or fourth grade pupils are assigned to "intellectually gifted" classes based on "high ability" and slow learners are relegated to "low-ability" classes, classes for children with retarded mental development and schools for socially maladjusted children.

Most schools in New York City track pupils. Their rationale is the teacher teaches more effectively by limiting the range of student abilities in each class. The student is assigned in his first year to an official class bearing two numbers, grade number followed by a second number indicating the group with the grade. Teachers and most parents and students regard the second number as indicating whether the class is "bright", "normal" or "slow". Student's "ability" in the first grade includes standardized test results, the teacher's estimate of the student's ability, emotional health, social maturity, and the student's age and physical health.

By the second grade, however, reading as measured by the Metropolitan Reading Tests becomes the main basis for "homogenous

grouping". During the rest of his elementary school career the child, for the most part, is grouped into classes which have a range of reading test scores of two years or less.

In the spring of his last year in elementary school the student's 'articulation card' is forwarded to the Junior High School which he will attend. This card gives the standardized reading and math test results of each student plus assessments of the student's emotional maturity and information on any academic or behavioral problems he may have. Articulation cards are the basis on which the placement of a child in a particular group in Junior High School is made. The bright students may be placed in a SPE (Special Progress Enrichment) class or an SP class (an accelerated class compressing three years into two). In both SP and SPE classes the children may be given an opportunity to learn a foreign language. Behavioral problems are assigned to smaller non-graded classes with names like "Special Guidance".

Students in Junior High School are grouped as in elementary school. They use different classrooms as they change subjects during the day, but these students tend to travel as a single class, changing rooms as a unit.

In High School the student is theoretically permitted to choose between five basic types of programs offered: general, vocational, commercial, technical, and academic (college preparation). The general diploma is regarded by most employers as useless. Theoretically the student's record in Junior High School is no banner to entering the academic track. However, each high school can set its own criteria for admittance to the academic program. In most high schools students who fail to have a junior high school diploma or who are two years behind in

reading are not admitted to the academic program. Moreover, changing from a lower to a higher track in high school is extremely difficult, requiring extensive remedial work and, in general, is not encouraged by the high schools. Unfortunately, the Board of Education does not explain differences in type of degrees.

It can be readily seen why teachers, on first reaction, would prefer homogeneous grouping. Tracked pupils require less effort in teaching. Perhaps that is why the teachers union in New York City, The United Federation of Teachers, has contractually promulgated a tracked policy. The recent union contract, for example reads:

> d. In order to make certain that teachers are not frozen into positions which are relatively easy or difficult, the following procedures should be adopted in making class assignments (other than special assignments, such as RIT, IGC) on a particular grade level:
>
> (1) On each grade level, classes should be divided into two categories, "difficult" and "less difficult", in terms of reading achievement. In general, a teacher who has been assigned to a class in the one category for a period of one year should be assigned to the other category for the next year. Teachers who have served in a school for one year or longer should receive assignments for the next school year before June 15th.

Yet, tracking is both legally and educationally unsound. A recent

report on tracking in a sixth grade IGC class in the Two Bridges district score the racial implications. "... of approximately twenty five students, eight were Chinese, one was Black, two were Puerto Rican, and fourteen were White. In the lowest group of the same grade, there were roughly ten Chinese, three Black, six Puerto Rican and one White student. This is not to suggest any conscious discrimination against minorities. It does say that however the system works, children in the lower tracks tend to be disproportionately from minority groups; that the basis for the assignment to these groups is dubious". (Mildred Byrum et al. "Tracking and Homogeneous Grouping", pub. 1969).

Legally, tracking has been condemned. In a landmark decision in Federal court in 1967, Hobson v. Hansen, Judge J. Skelley Wright ordered the District of Columbia to halt its practice of tracking pupils. This system, Wright declared, violated equal protection under the constitution. That decision was affirmed on appeal, Smuch v. Hobson, 1969.

Educationally, a study by Harvard psychologist Robert Rosenthal and school principal, Lenore Jacobson, noted the crucial importance of teacher attitudes in pupil performance. These researchers discovered that teacher expectations of pupil performance plays a large role in determining that performance. Their experiments with controlled groups led them to the conclusion that "change in teacher expectation can lead to improved intellectual performance". (Robert Rosenthal and Lenore Jacobson, Pygmalion in the Classroom, New York Holt, Reinhart & Winston, 1968, p. 181). The tracking system irreparably influences teacher expectation.

Moreover, evidence is accumulating to show that heterogeneous grouping -- mixing "ability" and racial and socio-economically different

students -- increases achievement levels. This seems to be true not only for the typical White middle class student but for the Black lower class pupil. One such experiment in heterogeneous grouping in New York's upper West Side -- Balanced Class Project -- recorded dramatic results. Balanced classes were organized in a series of eight schools in the first, second and third grades with school populations of approximately 505 White and 50% Black and Spanish speaking children. The study encompassed one year between October 1967 and April 1968 when reading tests were administered.

The results showed significant improvement of both White and minority children. It seriously questions their fears that "high ability" children will deteriorate in their school work. In the second grade, the balanced class students gained nearly a year or more almost up to grade level. The bi-lingual balanced class reading scores rose from 1.7 to 2.5 whereas the average traced second grade pupils registered a 1.9; Black balanced class students reading scores increased from 21. to 2.8 as compared to traced Black students score of 1.8; White increased from 2.7 to 4.1, way above the expected grade level norm of 2.7.

The scores were equally impressive for the third grade. Bi-lingual average in the balanced classes was 3.7 right on the expected norm as compared to 2.4 for two non-balanced classes in the district; Black scores were 3.4 as compared to 2.5 for non-balanced; and the White score was 5.2.

One component of the balanced class project was a formal parental role in the project. Parents took part in parent-teacher social workshops whereby Spanish speaking Black and White parents met on a continuing basis with teachers to discuss common goals. Children visited different homes in attempts to break down ethnic and racial suspicions and

hostility.

An obvious conclusion on the teacher's role in heterogenous was drawn; teaching children of varying "abilities" and backgrounds means more work. "In short, the effort required of teachers", the report sites, "is much greater in Balanced Classes but the results also seem much greater". (emphasis added) (A. Ballard, Balanced Class Report, unpub. 1968, p. 18).

There are other sound educational reasons why tracking, in practice, is abominable. Many Spanish speaking pupils for whom English is a second language often are grouped with pupils with severe emotional or behavioral problems because of their reading scores. Moreover, the level of educational content varies too greatly between the "fast" and "slow" learners rather than the pace of teaching the same materials. And, teachers with the best qualifications and the most experience are given the best classes and those with the least experience the slowest classes only to be rotated on a union contractual basis of difficult and less difficult each year. The net result is that pupils who start out in a low group remain in that tracked group.

Under the old centralized system, tracking was official policy. For example, a 1966 circular issued by the Board of Education for district superintendents and principals stated: "For purposes of proper classification and placement in grade one, teachers and supervisors should make every effort to identify intellectually gifted children by the end of kindergarten year. The judgment of teachers and supervisors should be the basis of such identification".

Officially, the Central Board now disavows tracking. With respect to the Intellectually Gifted Classes in the elementary schools, the Board program has been decentralized with authority to determine whether to have an IGC program is up to the districts. The Board has abolished the central

office in charge of IGC. This is true also of the SP programs on the Junior High School level. Nonetheless, in practice, tracking for the most part persists and the special classes remain since the community boards have maintained the status quo.

Suspensions

Both the central and community school boards have lagged in reforming the suspension procedures. The low status of parent and child in the school system is more evident in the suspension process. Ghetto parents have long suffered the stigma of "disruptive" children. Significantly, during the existence of Ocean Hill-Brownsville and I.S. 201, the Governing Boards and staffs of these demonstration districts were able to eliminate suspensions. However, teachers and principals in the New York City school system, still rely unduly on the suspension mechanism to maintain control.

According to General Circular No. 16, issued April 18, 1966 by the Superintendent of Schools, a suspension is considered a "guidance conference for the purpose of providing an opportunity for parents, teachers, counselors, supervisors, et al to plan educationally for the benefit of the child". Attorneys are specifically prohibited from representing the parent or child. The circular stresses the therapeutic nature of the suspension hearing.

The circumstances of suspension were investigated by the Community Service Society, a philanthropic social service agency, because of its work with the disadvantaged, the main victims of suspension. CSS undertook an exhaustive analysis of the records of suspension cases in District 5 for the year 1968-69. The group found that even in a district which used the suspension policy sparingly, the child and parent were abused. All the arrangements were made for the convenience of the

teacher and principal. Though professionals took great care to label the hearing therapeutic, this actually was euphemism. No evidence was presented to support the rationale of suspension from the child's point of view. The history and background of the child were often missing from the record. There were no educational provisions made for the child during the period of suspension. And, if the child was truly disturbed, there were inadequate services that might help him overcome his problems. As a result of its study, CSS recommended "the right of third party representation on the part of the child and parent". A year earlier, Judge Constance Baker Motley ruled that a student had a right to counsel at such hearings "which put into jeopardy the minor's liberty and right to attend public school". However, this decision was overruled by the Court of Appeals upon suit by the Board of Education.

In 1969, the State Legislature enacted a new suspension law granting the right to counsel in suspensions of more than five days (superintendent's). The right to cross examine witnesses was given in all suspension cases. This policy change was imposed on the Board of Education as a result of pressure from a new group - the parents of White middle class students who were previously immune from suspension. Political suspensions had broken the class and color barriers. During the school year, 1968-69, student rebels were suspended in great numbers.

The High School Principals' Association objected vigorously to this new legislation claiming that it turned a guidance conference into an adversary hearing. Association spokesmen warned that the new law would create chaos out of the schools. Six months later, a circular was issued by the superintendent to principals listing the new rights of parents and students but stressing "the responsibility of the district

superintendent and the principal to conduct the conference and to determine the time needed as well as the procedures to be followed within the framework of the law and the circular".

Despite the circular's reassurances that principals and superintendents remained in control, the new law was perceived as a threat. A study by NYCLU of 13,000 suspensions, in years 1968-69 showed that 12,800 students had no legal help and that most, if not all, of these suspensions were unlawful. In the school year, 1969-70 (prior to the new suspension policy), there were 12,661 principal suspensions. The reduction in suspensions was accompanied by a rise in "benchings" and "exclusions", which Ira Glasser, Director of the New York Civil Liberties Union, termed illegal. In a letter to the then Board president, Joseph Monserrat, Glasser stated: "It is not human error I am seeing; it is willful disobedience. The principals I have had contact with who have violated by-laws and policies of the Board, have not done so out of ignorance or error. What I am complaining about is not the occasional mistake, but rather a systematic violation of the Board's own laws".

Glasser also pointed out the injustice of having the principal sit as both judge and jury. The principal's word is accepted pro forma. Glasser cites a case which was investigated by "superintendent Brown who didn't even hear opposing testimony because he happened to know the principal and had confidence in his statement". Glasser suggest amending the laws to include the use of independent hearing examiners such as provided for teachers in the recent United Federations of Teachers contract. But the real thrust of the efforts of the Civil Liberties Union is to achieve full constitutional rights for students.

So flagrant are the abuses of suspensions, that parents have

formed lay advocate services in each borough to inform parents and students of their rights. One such service is the Queens Lay Advocate Service started a year ago by Mrs. Miriam Thompson, and organized with the support of Thelma Miller of the York College Center for Community Education. Parents who volunteer for this service are trained by lawyers on the legal rights and avenues of redress for suspended students and their parents. In its first year, the Queens service handled 200 cases. One of these bordered on the inane, involving a "lost" child who was not on any school register for six months. The Queens service has helped get attorneys for arrested students and met with local police to develop more humane guidelines. According to Mrs. Thompson, working with suspended students has brought the service into contact with students and parents who have other complaints such as inequitable tracking.

New board policy was initiated on suspensions in two areas:
1) on June 24, 1970 the new suspension policy was promulgated and
2) on November 5, 1970 a suspension appeal procedure was adopted.

The new suspension policy entails notifying parents of a pupil suspension by certified letter; a principal conference for all but high school pupils who have a community superintendent hearing; the right of parents to have at least two additional persons including a lawyer; and a hearing which must be held within five days; the right to cross examine and bring witnesses; the superintendent decides on action whether to return, transfer or refer for pupils. Appeals can be made to the community superintendent and then to Community Boards for primary students and directly to the boards for High School students.

The lay Board of Education and its professional staff at 110 Livingston Street are resisting grievance machinery for parents and

students. In the past two years, three new programs have been formulated in response to student and parents demands: the creation of consultative councils in the high schools; new procedural rights in suspension cases; and creation of a Parent Complaint Board, currently under consideration. An examination of the first two policies and of the prospects for change in the third yields little hope for reform. Parents and students remain in an essentially weak position.

The idea for consultative councils originated with the professional staff. In the spring of 1969, the Acting Superintendent of Schools, Nathan Brown, issued guidelines for the establishment of committees in each high school to consist of parents, students and faculty. This tentative step was taken (administrative rhetoric stated "the need for opening lines of communication to a greater degree than they had been in the past") because the high schools of the city were seething with student discontent, often erupting into riots.

Education interest groups, such as the Public Education Association and the Citizens Committee for Children, enthusiastically received the superintendent's plan. In addition, they urged that the high school committees include representatives from the community, the university, business and labor. Subsequently, the Board, upon recommendation of the superintendent, adopted a resolution mandating that in "each high school there be established a consultative Council consisting of representatives from the parents' association, student body, the professional staff, community school boards and others ..." to advise on "all matters affecting curriculum above the minimum requirements under state and city statutes, the initiation and approval of innovative programs, student

rights and responsibilities, school discipline and other appropriate areas of the high school program". This resolution seemed to confront student unrest.

The Public Education Association acted as watchdog on the implementation of this new policy. A PEA High School Field Team visited selected schools from October, 1969 through May, 1970 and interviewed faculty, students and parents. PEA has issued a progress report scoring the consultative councils as being ineffective. Few students use them since they are dominated by principals. Students are outnumbered by adults, and, in the likelihood an alliance develops between students and parents, the principal wields veto power. There is no appeal machinery. Principals hesitate to make new policy without support from central headquarters. The High School Field Team also observed that representation on the council does not reflect a spectrum of community groups. Parent representatives are recruited from the parent associations. Those parents who have become disillusioned with parent associations - and there are many as evidenced by the small turnout at PA meetings - are not on the council. Students on the council, too, are usually from the docile Student General Organization. Student dissenters organize outside of the council and the organized ignore it. Thus, the consultative councils, contrary to their promising agenda, are reinforcing the authoritative structure of the high schools.

The Board of Education considered another proposal, a Parent Complaint Board, authored by one of its own members, Seymour Lachman. The PCB attempts to advance parent rights by tightening up procedural loopholes (such as making records accessible to parents) and providing, for independent hearing examiners. However, parents remain in a weak position vis-a-vis teachers and administrators because the powers of

the PCB, according to the proposal, would be merely advisory. As with the consultative councils, no enforcement machinery is provided. The plan allows for complaints in three kinds of cases: "corporal punishment, racial and/or religious defamation and racial and/or religious discrimination". Nothing substantively new emerges from this proposal since students are already protected by law against such abuses. And the difficulty in documenting the subtle institutional racism of which minority groups complain was brought out in the testimony before Judge Rivers in the case of the "Ocean Hill-Brownsville nineteen".

A frequent complaint of ghetto parents is that teachers aren't teaching. Under present arrangements, when a child or parent has a complaint, he goes to the principal in the elementary school, and to the guidance counselor in the junior and senior high school. Each tells the parent and child that the child must learn to adjust to difficult situations. The Parent Complaint leaves intact the present arrangement of teachers and principals which are not accountable to anyone but themselves. These arrangements are contracted by the United Federation of Teachers and the Council of Supervisory Associations.

So far, the clients served by the educational bureaucracy have been severely shortchanged. Under decentralization, Community School Boards do not have the power to make new policy in the critical areas of student and parent rights. Only strong pressure from organized parent groups can force the Central Board to give up any of its power.

Despite a reasonable formal policy on student rights, the central board of education has failed to implement this policy in a satisfactory fashion. One educational observer has characterized Chancellor Harvey Scribner's student rights policy as being "low priority". "This is the same type of action we would expect from a

traditionalist from within the Board of Education hierarchy, "she said", and not from a supposed education innovator brought from outside".

The New York Civil Liberties Union which had worked cooperatively with the Interim Board in preparing a code for student rights scores the enforcement of student rights provisions. According to Diane Divoky, head of the NYCLU Student Rights project, the New York school system is a pioneer in student rights program. The NYCLU points out, however, in their massively distributed handbook on student rights (200,000 copies have been distributed and they are in a third printing) that the NYC school board is not giving away anything. Nearly all of the rights of a student - length of hair, to distribute literature - were won in cases before the courts of the land. The central board in sending out a circular on rights and responsibilities for High School students publicized these decisions and principles.

The NYCLU finds that the new administrative machinery to handle student rights cases is simply not working. The main fault, the NYCLU finds, is that the central board refuses to take a position on enforcing the administrative machinery. The NYCLU finds itself handling as many cases as before, some 400 last year with three times more inquiries and 78 court cases.

The NYCLU finds that deadlines and time limits are not adhered to. One incident at Bushwick High School is a case in point. The principal censorship of the school newspaper and radio station whereupon the students, many politically conservative, resigned. However, the matter was not adjudicated through the Board administrative machinery until late June when the parties had graduated.

There is no doubt, judging by the rhetoric of Chancellor Scribner's speeches, that he is not unaware of the high school student's plight in

terms of alienation. Yet the central board's actions on various cases such as cutting of class revealed little of this official understanding. As a result of the torturous time lag in the administrative cases, the NYCLU by-passed the board machinery and began to bring cases directly to the courts.

Moreover, the NYCLU has scored the central board for failing to enforce "98%" of cases. Principals disregard the Board's directives and are not held accountable for their actions. As a result, the NYCLU was forced to initiate court action against the central board regarding their prohibition against students to distribute the NYCLU student right handibook. In June, 1971 a court stipulation resolved the matter in favor of the NYCLU with the first provision stating that:

"The Board of Education hereby agrees to take all steps necessary including appropriate disciplinary action against school officials to enforce Circular 104, statement of student rights in all city high schools."

Consequently, the central staff is empowered to enforce violations of student rights perpetrated by professional school staffs. It is indicative of the dysfunction of school policy that the impetus for student rights and its enforcement has been from without the system.

The Community Boards and Curriculum

Most CSB members interviewed referred in some way to the educational failure of the city's public schools. They seem to agree with the Bundy Report that "the true measure of a structure of formal education is its effect on individual children". (in Marilyn Gittell and Alan Hevesi, The Politics of Urban Education, Praeger 1969, p. 264). They are dismayed by low test scores and high dropout rates and are agreed that drastic remedial action is needed. A few blame this situation on

problems unique to disadvantaged communities. Many more, however, tend to stress the school system's responsibility to educate its clientele. And expectedly, they attribute considerable blame to certain school professionals, namely, teachers who cannot teach.

Criticism has also been directed against what is held to be, an old-fashioned and irrelevant curriculum. The great importance of curriculum suggests that the CSB ought to "have the freedom to make changes in educational approaches, instructional materials, and educational objectives in order for school programs to be more closely related to the experiences of their students." This does not mean that the CSB" should discard all the traditional practices but that the community schools should have the power to modify and reconstruct the curriculum where necessary to improve its effectiveness and to strengthen its contribution to the self-worth and dignity of students" (Henry M. Levin ed., Community Control of Schools (Brookings Institution, 1970, p. 260).

The decentralization law stipulates that the CSBs will determine matters relating to the instruction of students and will select textbooks and instructional materials subject to the approval of the Chancellor. The law required further that the CSBs submit annual reports on the educational effectiveness of the districts' schools and programs.

What have the CSBs actually have been able to accomplish in the area of curriculum? Lack of activity in this area, for example, constitutes one of the greatest disappointments for members of CSB 22. They indicate that they are just now beginning to consider the evaluation of old programs and the adoption of new ones. As is true of the many districts which have done little or nothing in the area of curriculum, this

CSB emphasizes that it has had to develop procedures and "feel its way" before it could exert itself with any confidence in such a new and uncharted domain.

A soon to be published study by the Institute of the demonstration districts suggests, as District 22 indicates, that a lack of educational goals can be responsible for ineffective programs as much as is a CSBs need to feel its way (Marilyn Gittell et. al., Demonstration for Social Change (N.Y.: Praeger, 1971). In fact, the inability of the CSBs to deal with the issue of educational goals, to grope for a coherent philosophy of education, is probably their basic failure in this regard.

Most districts have at least continued some old programs which are experimental and innovative. Special reading and math programs, educational assistants to aid underachievers, after-school study centers, etc. have usually been carried over. The More Effective Schools program put forth by the UFT is perhaps the most notable such program, even though it seems to be losing enthusiasm in several districts. The UFT reports, for example, that six districts have eliminated nine MES's and eight districts have voted to cut funds for eleven MES's. The budgetary situation has obviously had a negative impact on this program.

Several districts, however, have developed new innovative programs. District 6 is one such example. The CSB, in its booklet, Tentative Planning: 1971-72 Federal and State Funded Programs, has outlined a multitude of curriculum programs of which the following were adopted and implemented:

1. Orientation and Adjustment of the New Arrivals in the School Community. This program will attempt to foster image-building for

Elementary and High School children so as to enable them to view education as a process beginning in Kindergarten and ending in Graduate or some other Professional or Technical school.

2. Bio-Medical Careers for Teens and Pre-Teens. This program is geared to provide an exposure to career opportunities; to remove the fear of science and technical subjects by facilitating out-of-school association with experts who now work in those fields.

3. The Experience Room. The experience room provides a multi-media approach to Language Arts instruction which cuts across grade lines and provides for the individual expression of their unique experience.

District 16 has also developed some new programs. Perhaps its most innovative program is the Parent Program Assistant assigned to Health Related Services. The purpose of this program "is to raise the level of success for children by detecting or identifying impediments caused by health problems and alerting the school doctor and/or nurse in an attempt to remove such defects" (A Guide to State and Federally Funded Programs in District 16, p. 7). This district has also initiated a program of apperceptive training for inner-city children, supportive training for inexperienced teachers and the like. Five other districts have developed programs similar to these. Besides this, several districts are experimenting with the open corridor concept, which aims for individualized instruction as much as possible.

We noted that the law requires that the CSBs submit annual reports on the educational effectiveness of their programs. This means that some form of evaluation of curriculum has been necessary. All proposals for evaluation of funded programs must be submitted to the Chancellor for final approval and such proposals must be voted on by

city board at their public meeting. District 14 in Brooklyn worked out an interesting program which included both parent and community evaluators. The primary concerns were with reading and writing and math. For every teacher in a class there were four paraprofessionals and one tutor in each complex for the summer program. There was a training period of one hour a day for the paraprofessionals and teachers. A total of some 1,500 community people were employed. Besides this, the Institute for Educational Development was hired as a consultant; the IED in turn hired eight or nine community people to work as an evaluation team to be supervised by trained evaluators. The Community people actually went into the schools each day; the teacher to be evaluated would not know when the team would be visiting. Most of those involved with this program were agreed that it was successful.

One of the major accomplishments of such a program was bringing teachers into contact with community people. District 14's program of community evaluation serves to recognize the community's right to scrutinize this process. It did so in a way which indicated that the demand for public influence in curriculum matters does not mean a rejection of professionalism.

Very few evaluation programs, however, have sought to involve the community in such a fashion. Many CSBs seem to have a deep seated suspicion of community involvement in this area and tend to defer to the expertise of the professionals. For example, many people in District 28 did not know the CSB had submitted an evaluation proposal for their CEC program. Upon learning of the proposal, parents managed to push through an amendment to include the training and use of parent evaluators to assist the evaluation team. (The Advocate, Queens Lay Advocate Service,

Spring 1971), vol. 3, No. 2, p. 5). The evaluation of certain CPC programs in District 16 includes the community in no way in the process. Nor do most evaluation programs.

This is not to say that these programs are useless. They do surely, inform the public of what is going on in the schools (at least to a certain extent). A problem, is that you have professionals reviewing professionals. Their backgrounds are often similar as are their views. This means that they may lack perspectives which community people have. Besides losing in this sense, the evaluation proposal and result may often be couched in professional jargon minimizing its use to the public. For example, District 16's proposal includes the following: "A specially prepared and field-tested self-image scale will be administered on a pre-post basis and the significance of the difference determined by Sandler's A test for correlated means." To the average layman this means nothing.

It is one thing to evaluate a program and another to use the evaluations effectively. For example, in District 5 a few innovative programs have been developed in the area of curriculum. A day care program and multi-media programs were considered as quite successful. Several parents lobbied for these programs. However, they were angered in the coming year. The community superintendent, when asked what he would like to see in that district's curriculum, responds that he is satisfied if the minimum required program can be met. So the fact that annual reports on educational effectiveness are required by the city board does not mean that they will be heeded. It would seem that inclusion of the community in more aspects of the evaluation process might faciliate this feedback. Some public pressure, at least, would exist in favor of using the evaluations effectively.

The successes of the CSBs in curriculum probably has something

to do with the participation the CSBs have allowed with respect to its determination. There does seem to be a correlation between the more innovative districts in terms of curriculum programs and the districts which permit the parents to participate most in determining them. There seems to be only one or two exceptions to this generalization.

Several districts have developed new programs which are financed by state and federal funds. This funding may explain in part the relatively greater achievements of the CSBs in the area of curriculum. There is, for example, with respect to Title 1 funding, at any rate, room for local initiative which does not exist in the case of general tax levy programs. Although the State Department of Education evaluates these proposed programs and the Chancellor must approve the form of the proposal, it is still true that both parents and the CSBs can draw up proposals and have them submitted to the District Title 1 Coordinator, who generally seems to possess greater independence and insight and responsiveness than those who inhabit the Bureau of Curriculum Research at School Headquarters. It may be that the outside funding assured there would be no threat to the central agency and other local districts and was therefore an area in which local discretion could be easily granted.

There has been, secondly, a court case in this area. The State Supreme Court ruled that District 3's CSB had the right to make decisions locally about the use of federal funds that are allocated to poverty areas. The law, it was reasoned, turned over selection of Title 1 programs to the CSBs, with federal and state guidelines.

A third possible reason for the relatively better performance

of the CSBs in the area of curriculum than in personnel and budget can be gleaned from their responses to a recent interview. When asked whether they had conflicts with the city board in the areas of personnel and budget only two responded in the negative. Curriculum, however, was mentioned in an area of conflict by less than ten percent of the respondents.

Nevertheless, one must be guarded in seeing one pattern of curriculum development. The CSBs seem to have some power in the area of specially funded programs. But such programs are used to supplement, not replace, the regular school program with additional education services. Considering the educational failure of our schools, one asks whether this approach is sufficiently extensive. A large part of the failure probably stems from the poor basic curriculum.

The CSBs have done nothing to restructure the basic curriculum. What stops them from changing it? Three factors are responsible. First, recall that the decentralization law stipulates that the CSBs will determine matters relating to the instruction of students and will select textbooks and instructional materials <u>subject to the approval of the Chancellor</u>. This provision potentially limits the CSBs in the area of educational policy.

Second, it was suggested that a clear and distinct educational philosophy is requisite to changing the curriculum. Few if any of the CSBs exhibit such educational goals. They have not in fact pushed for significant changes in matters relating to the instruction of students.

Third, a major shift in educational policy might well challenge the vested interests of the central bureaucracy which relate to its control over curriculum. The discretion granted the CSBs in the area of

specially funded programs does not challenge these interests as would local initiatives with respect to the basic curriculum. The discretion granted the CSBs in the area of specially funded programs does not challenge these interests as would local initiatives with respect to the basic curriculum. To say this does not entail that the central board has been doing much in curriculum -- indeed, their lack of creativity is a commonplace. Nonetheless, producing and maintaining an uncreative and ineffective curriculum, involves power, and there is no reason to believe its present holders are likely to delegate it to the CSBs willingly.

II. PERSONNEL POLICY AND PRACTICES

Perhaps, the most important ingredient in educational policy concerns personnel. In recent years, studies have shown the importance of teacher attitudes in terms of pupil achievement (Robert Rosenthal and Lenore Jacobson, Pygmalion in the Classroom, New York: Holt, Rinehart and Winston, 1968). Teachers have been described as having the opportunity "to enable the individual student to make a personal response to his environment." (C.H. Bowers in Education and Social Policy: Local Control of Education, eds. C.H. Bowers, Ian Housego and Doris Dike, New York: Random House, 1970, p. 11). Most educators concede that the overall educational level and the tone and climate of the schools depends on principals. "Building principals participate in, and affect, decisions about every single aspect of education at the local level." (Dale Mann, Administrator/Community/School Relationships in New York State. Final report for the New York State Commission on the Quality, Cost and Financing of Elementary and Secondary Education, August 1971, p. 34). Fred Hechinger, educational critic of the New York Times, compared the job of the school principal to that of a ship's captain. David Rogers in his study of the New York school system admitted that he spent more time investigating personnel than almost anything else about the school bureaucracy.

The Old System

The deficiencies of the New York City School personnel syststem have prompted studies by city commissions, universities, civic associations, and the Board of Education for twenty five years. The need for reforming personnel practices and procedures in New York City Schools was identified early.

The areas of greatest concern to social scientists studying the schools system have been:

The Recruitment and Selection Procedure

Inservice Training and Supervision

The Promotion and Examination Process

The Procedure for Evaluation of Personnel

The Inbred Nature of the Entire Personnel System

In an extensive study of the New York City schools George Strayer and Louis Yavner in 1951 found supervision in the schools to be poor, guaranteeing tenure to almost all teachers as a matter of course rather than competence. They conclueded: "Any view that an examining board exists primarily to keep out of the system incompetent persons who might have obtained employment under a political spoils system is several decades behind modern thinking in public personnel administration." (George Strayer and Louis Yavner, Administrative Management of the School of New York City, New York, Mayor's Committee on Management Survey, October, 1951, Volume II, pp. 766-67.)

Strayer and Yavner felt that supervisory personnel should have the authority to control their own schools, to assess community needs, and to organize, administer, and supervise their schools in order to meet those

needs. They should be given ample latitude in formulating and implementing in-service training programs and workshops for their teachers, using local talent or specialists.

In 1960, Wallace Sayre and Herbert Kaufman determined in their study that the Board of Education had little say in personnel matters because "the controls issued from Albany in state law and rules developed largely under the influence of the leaders of the teachers' organization bind the discretion of the Board to procedures and policies the leaders of the teachers prefer. If they cannot move the Board to take all the action the teachers want, they can achieve their alternative goal; the Board is immobilized in any effort to move in directions the leaders of the teachers strongly resist." (Wallace Sayre and Herbert Kaufman, Governing New York City: Politics in the Metropolis, New York: W.W. Norton & Company, 1960, p. 425).

A study by Daniel Griffiths, et al in 1963, recommended a comprehensive study of the role of the Board of Examiners that would focus on the validity of the testing procedures, the tests themselves, and the outcome of the testing. (Teacher Mobility in New York City: A Study of Recruitment, Selection, Appointment and Promotion of Teachers in the New York City Public Schools, New York: New York University School of Education, Center for School Services and Off Campus Courses, 1963.) In 1966, Dr. Griffiths and his research team at New York University updated their study. They reported bureaucratic inefficiencies in recruitment and promotion procedures, commented on the outmoded nature of the examination system and on the favored position of insiders. They recommended creation of an entirely new personnel system. (Daniel E. Griffiths, et. al, A Report of Recommendations on the Recruitment,

Selection, Appointment, and Promotion of Teachers in the NYC Public Schools, Center for Field Research and Social Services, New York University, 1966).

In 1966, Dr. Marilyn Gittell, Director of Queens College's Institute for Community Studies, examined five areas of educational decision making in New York City for the Temporary Commission on City Finance. The study later published under the title Participants and Participation: A Study of School Policy in New York City, (New York: Frederick A. Praeger, 1967) included sections on personnel policy and practices. This study revealed that "with the exception of two assistant superintendents, who had experience in school systems outside of New York City, the entire core supervisory group was bred within the New York City school system -- many as principals, almost all with long experience at headquarters (Gittell, p. 11).

As a result of study of The New York City school system documenting the failure of integration efforts, David Rogers found: "Most decision makers and staff personnel in the New York City schools are trained as teachers and supervisors, not as administrators. They might not be able to make good decisions even if they had access to informational devices that exist. Furthermore, interest in their careers and their units might lead them to neglect goals such as pupil achievement and desegregation. Outside administrators, with no vested interest in the existing structures, would benefit the system, even though they would have to win over many insiders to their ideas -- a very difficult and tedious task." (David Rogers, 110 Livingston Street, New York: Vintage Books, April 1969, p. 326).

In 1967, the Mayor's Advisory Panel on Decentralization of the New

York City Schools, Reconnection for Learning: A Community School System for New York City, New York City, New York: Praeger, 1967, (better known as the Bundy Panel) called for broad discretionary power and authority for community school boards in the selection, recruitment, assignment, and promotion of professionals and nonprofessionals.

Since 1967, it has been rising ghetto hostility towards teachers and principals which has provided the major impetus for changing the system. In 1966, Preston Wilcox, community control theorist, conducted a series of workshops on the significant role of teachers in ghetto schools. (Working Paper by Preston Wilcox: Teacher Attitudes and Student Achievement, June 1966.) A study of ghetto parents by the Center for Urban Education in 1967 concluded that they perceived principals and teachers to be the key factors in the educational performance of their children. They wanted powers to fire those teachers and principals they deemed incompetent. The whole community control movement beginning with the I.S. 201 boycott, stressed the need to establish accountability of school professionals.

The I. S. 201 boycott in 1967 was the turning point. Within a year more than a dozen parental boycotts in the ghettoes hinged on the removal of a principal. As a result of pressure from parents in ghetto areas, three experiments on local control were instituted in 1967 by the Board of Education as demonstration districts. The experiments were evaluated by the Institute for Community Studies over a three year period. Participant observers reported that the one common complaint public school parents have against the schools were with school personnel; they wanted to hold teachers and supervisors accountable.

The Institute's study of the three demonstration districts

documents the frustration of local boards in recruiting personnel. In particular, the boards and administrators of Ocean Hill-Brownsville and I. S. 201 believed that selection of their own personnel was crucial to the success of the experiment. (Marilyn Gittell et al, Demonstration For Social Change, New York, Frederick Praeger Inc., 1971). They were aware that a majority of New York City supervisors were hostile to the intent of the projects for fear of encroachment on their civil service status. In desperation, they pressured the State Education Commissioner to grant the creation of a new job category of "demonstration school principal" which by-passed traditional city civil service procedures. Over the three year course of the experiments, thirteen of the principals were selected by the unit administrators and the boards in Ocean Hill-Brownsville; four of the eight principals in I. S. 201; and two of the six principals in Two Bridges. New York City, had for the first time, via the demonstration districts, a substantial number of minority personnel, including the first Black superintendent, and Black, Puerto Rican, and Chinese principals.

For most of the three years of the experiments, New York City experienced a traumatic conflict over the community control issue. The conflict reached into the state legislature which found it almost impossible to resist the well organized and financed campaign of the UFT. Thus, in 1969, it enacted legislation which avoided transfer of substantial power to the local communities.

On February 16, 1970, the New York City school system was legislatively reorganized. Despite modifications, the legislation retained the city wide examination system, though diluted in the case of appointment of supervisory personnel, and maintained most teacher hiring

as a central function. It provided for local hiring in districts where schools scored in the lowest 45% of reading achievement.

Frustrated by the state legislature's refusal to undermine the power of the Board of Examiners, the NAACP Legal Defense and Educational Fund filed a suit in federal court challenging the board's testing procedures. The NAACP charged that central testing procedures were discriminatory and violated the New York State constitution's requirement thal all public appointments be made on the basis of "merit and fitness." The brief pointed to the small percentage of minority personnel (compared to other cities) in a school system with a majority of disadvantaged students. See Table I.

In June 1970, the New York City Commission on Human Rights which had been receiving complaints of discrimination began conducting investigations into the school system's poor minority hiring record.

Finally, in November 1970, a major attack was launched on the Board of Examiners by School Chancellor Harvey Scribner and Chairman of the City Commission on Human Rights, Eleanor Holmes Norton. The Commission widened its investigation and began to hold hearings on the Interim Board's current methods of training, recruiting, selecting, appointing, and promoting teachers and supervisors. (Equal Employment Opportunities and the New York City Public Schools, An Analysis and Recommendations Based on Public Hearings held January 25-29, 1971 by the New York City Commission on Human Rights).

Teacher Selection and Recruitment

Testimony by Dr. Jay Greene of the Board of Examiners at the City Commission Hearings, revealed little change in the process described

TABLE I

COMPARISON OF PERCENTAGE OF BLACK AND PUERTO RICAN PRINCIPALS TO WHITE PRINCIPALS IN THE FIVE LARGEST SCHOOL SYSTEMS IN THE COUNTRY

City	Total No. of Principals	% Black	% Puerto Rican	% Black and Puerto Rican
Detroit	281	16.7%	----	16.7%
Philadelphia	267	16.7%	----	16.7%
Los Angeles	1,012	8.0%	1.7%	9.7%
Chicago	479	6.9%	----	6.9%
New York	862	1.3%	0.1%	1.4%

Thus New York City has by far the lowest percentage of minority representation. The next lowest city, Chicago, has almost five times the percentage of minority principals found in New York City, and as the following table shows there is a similar imbalance of minority Assistant Principals:

City	Total No. of Asst. Principals	% Black	% Puerto Rican	% Black and Puerto Rican
Detroit	360	24.7%	0.2%	24.9%
Philadelphia	225	37.0%	----	37.0%
Los Angeles	---	-----	----	-----
Chicago	714	32.5%	----	32.5%
New York	1,610	7.0%	0.2%	7.2%

Source: Chance, et al. v Board of Education, et al., 70 Civ. 4141 (SONY)

by Griffiths in 1963 and 1966 regarding the selection and recruitment of teachers. Ninety percent of the teachers in the New York City public school system are trained for teaching in a New York City College -- 65% of them at one of the colleges of the City University (on 5 percent in the last nine years.)

Upon completion of the education sequence, students are qualified to teach according to state standards but not according to city standards. "The only way one can be licensed to teach in the New York City school system is to pass an examination. This is in contrast to the procedure in other districts, urban and suburban, where the entrance doors for a candidate consist only of state certification requirements and a personal interview." (Bundy Report, p. 45.)

At the classroom-teacher level there are two categories: regular and substitute. Regular teachers are those who have met all requirements and passed a regular teacher-licensing examination. Permanent substitutes (as distinguished from per diem substitutes) only have full-time continuous classroom responsibilities in one school. They are not fully qualified and have not met all requirements but have passed a less demanding substitute's examination. Since February 1969, the Board has stopped issuing permanent substitute licenses in response to pressure by parents and the United Federation of Teachers. The teacher shortage was over. The Board encouraged its substitutes to obtain a regular teaching license. In June, 1970, the Board announced plans to drop 2,000 full-time substitutes.

The severest criticism of the substitute license is its elimination of the requirement for student teaching. The student teaching experience has been likened by educators to the internship in medicine. Without it,

teachers are not adequately prepared to teach. Despite New York City's special examination requirements which have been justified by the need for high standards, most regular teachers have entered the system as substitutes.*

Teacher Training

Testimony at hearings of the City Commission on Human Rights also brought out criticisms of colleges and universities for "pushing through" most teacher candidates whether or not they are competent in subject matter. And on their part, officials from central headquarters of the board testified that college records are not used by examiners.

Although each of the city colleges enjoys a relatively high degree of autonomy, -- the typical teacher candidate receives a baccalaureate degree which includes twenty four semester hours in the professional study of education and a college supervised student teaching experience. Table II shows a sample of CUNY colleges and number of hours of student teaching. As the table indicates, the education sequence has remained the same for years. All schools offer student teaching in the final year. For most prospective teachers this is their first professional

* The Griffith study (five years ago) indicated that one third of all teaching positions were filled by substitutes. When the figures for all positions were broken down, the primary route to high school teaching was by substitute license. That figure has since declined to 12-15%.

TABLE II

STUDENT TEACHING IN C.U.N.Y.

Name of Colleges	Student Enrollment Elem.	Sec.	No. of Semesters Elem.	Sec.	Year of Student Teaching	No. of Hrs. of Student Teaching Elem.	Sec.	How Long Program Has Been in Effect	No. of Credits Elem.	Sec.
Brooklyn College	724 per semester	325	2	1	Senior Year	Min. 325	Min. 180	Since 1950's	7	7
City College	375 per semester		2	1	Senior Year	Min. 300	Min. 225	Many Years	6 plus	6
Hunter College	132 per semester	146	1	1	Senior Year	Min. 300	Min. 120	Many Years	4	3
Lehman College	700 per year		1	1	Lower or Upper Senior	Min. 300	Min. 120 198-240 college require	Many Years	4	3
Queens College	1,000 per year	600	1	1	Lower or Upper Senior	350-400	225	Many Years	8	8
York College	120 per semester		2	2	Senior Year	300	180	2 Years	10	6

Source: Colleges of the C.U.N.Y.

contact with children. And student teaching assignments are in no small measure based on travel convenience for both student and supervisor. Teacher preparation is far removed from the classroom experience especially in the urban school. As Dr. John Fisher, president of Columbia Teachers College has observed: "...academic training, though essential, is not sufficient. Understanding of the people with whom one works, understanding of the situations from which those people come, is at least equal in importance to possession of the traditional types of academic and systematized professional preparation." (Commission Hearings, p. 21.)

Recently, City College introduced an experimental program which minimizes traditional course work. Instead, students spend most of their time in the field working with children. Clearly, a root cause of the problems of middle class teachers and poor students has been the training and educational background of teachers. For years, the ghetto schools have been understaffed largely because teachers who passed the examination and were licensed to teach in the city simply did not want to teach in the ghetto areas, and thus either refused assignments to schools they regarded as difficult (Progress Report of Board of Examiners, 1962-63, pp. 2,3) or transferred from these schools as soon as possible. In an earlier study, David Rogers had concluded: "The city colleges have not only failed to play a role as change agents, they have actively obstructed school reform by failing to revamp their teacher training courses in light of the vast demographic and socio-economic changes in the city in recent decades. They are almost as responsible for the schools' failures as are board officials, since they trained most of these officials." (Rogers, p. 495).

In-Service Training

In the Griffiths study, the majority of teachers planning to leave the school system complained of no orientation on their first assignment. This was deemed the most significant factor in causing bewilderment and job dissatisfaction. Griffiths found the role of the Board of Education in orientation negligible. There was an absence of in-service courses, and standardized information. Also, few principals played an active role in the professional development of teachers. Because only twelve teachers from a staff of 60,000 had been dismissed over a six year period, there was little need for developing accountability.

Now the UFT contract provides new teachers with a training program during their first year. However, an evaluation of this program prepared for the State Education Department concluded that the program had little value. One of the evaluators, Dr. Shields testified that the union mandates a two-hour-a-week workshop on Monday afternoons for beginning teachers. He reported that this has been a total failure. "It seems to have nothing to do with anything. I have spoken to new teachers around the city about it, and mostly they try not to go. As a matter of fact, many of them just stop going." (Hearings, p. 12). Without financial remuneration, teachers find little incentive to participate in the after school training program.

Paraprofessionals

The only significant break in the closed personnel system has been the recruitment of paraprofessionals.

In the three demonstration districts paraprofessionals were used

extensively in the schools because they were "community people." Principals, teachers and observers have commented on the commitment of paraprofessionals to working with ghetto children.

"Currently, some 15,000 paraprofessionals are employed in the city in a variety of job titles, mostly as educational assistants. The UFT, through its involvement in the paraprofessional program, has probably made its most significant contribution to equal employment opportunity in this aspect of the school system. Gardner Atwell, head of the Board of Education's Auxiliary Educational Career Unit, estimates that 48% of the paraprofessionals are Black and 16% are Puerto Rican. Although many have been working in the schools for three years or more, less than one third are enrolled in career development programs in local colleges. The career ladder designed for paraprofessionals predicates progress on college course credits. Under current released time provisions, it will take, on the average, eight years of combined work and study to acquire a Bachelor's Degree. To date, none, except five who had prior college credits, have achieved the Associate Arts Degree, a level on the ladder providing a small pay increment, but no clear enlargement of function. No provision has been made to evaluate or accredit the years of experience and the skill acquired in in-school work, except where college programs accord experience some weight in counting total credits." (Hearings, p. xxii).

Clearly, the paraprofessionals are a prime source from which to enrich the teaching profession with increased minority personnel of demonstrated aptitude for teaching as a vocation. Yet, traditional credentialing procedures make difficult their achievement of professional

status.

Procedure for Evaluations

Teachers and supervisors generally undergo a three year probationary period. Recently the period has been extended to five years. At the end of this period, tenure is granted, to satisfactory candidates. The tenure process has been sharply attacked by educators, local boards, superintendents, principals and officials of the Board of Education because probationers are routinely given satisfactory ratings by their supervisors and tenure is routinely granted. Thus, year after year less than a dozen teachers, and generally few administrators are refused tenure after their three year period of probation.

"Some witnesses attributed the routineness of the process to the impact of the Board of Examiners. According to them, the examination has assumed such awesome proportions in the system that once a candidate passes it there is a strong presumption that he has met the major qualifications for a permanent position in the school system." (Hearings, p. 17.)

The Examination System

For the past twenty years the rating of all teacher and supervisor candidates by the Board of Examiners has been a point of controversy. The practice has been both defended as the only practical defense against political influence or favoritism in professional appointments and has been attacked as irrelevant to competent on-the-job performance and conducive to "inbreeding" of the staff. A significant outcome of the examination system and the reliance upon city college personnel is the neglible amount of Black and Puerto Rican professionals in the NYC school system. Rogers has suggested one reason for this

closed system: "If there is a New York City education establishment, it includes top administrators and faculty in the city colleges as well as board professionals. The links between the two are often quite close, with city college people serving on examining boards in the schools." (Rogers, p. 495.)

"Recruiters for the New York City school system cannot make strong commitments to promising candidates since all applicants must be referred to the Board of Examiners." (Bundy, p. 45).

Strong testimony from witnesses at the Human Rights Commission Hearings indicates that the system both discourages applicants, and lacks validity. For example, Wendy Lehrman, a teacher at P. S. 87 in Manhattan, said: "I was told where to go for this coaching (given by supervisors in the school system)...It was memorizing - they gave us old answers and ...we were told that we mustn't stray from or challenge the status quo. There were certain answers to be expected from us. We weren't to use multisyllabic words or complex sentences..because we might misspell them or do anything to increase the statistical chance of error. We were given the key vocabulary in fad that year in order to incorporate it into as many answers as possible. I spent two weeks memorizing meaningless phrases..It was apparent that I was neither expected to be intellectually or morally committed to, or capable of carrying out, any of the answers..I passed the examination and there was no way they could tell whether I could communicate with children." (Hearings, pp. 50, 51.)

In a recent study of high school principals, Arthur Vidich concludes: "It obviously is not a system to encourage and reward the innovative or the critical. This is not to say, however, that it does

not select competent men. It is that competence is oriented almost entirely toward mastering the tasks, definitions of problems, and the rhetoric of the established system. And the examination system is of course administered by men who are a product of it: the Board of Examiners." (Arthur Vidich, and Charles W. Reynolds, High School Principals Seminar, Final Report, U.S. Department of Health, Education and Welfare, February 1969, p. 5.)

School Chancellor Harvey Scribner, testifying about the examination process, called it..."antiquated, outmoded, and inconsistent with both contemporary educational requirements and the concept of decentralized schools." (Hearings, p. ii.) Most damaging was the testimony of Dr. Theodore Lang, Deputy Director of Personnel for the Board of Education that the Board of Examiners operates without clear criteria and remains the sole judge of content and performance. There are no job descriptions to pass on to the Department of Personnel. And appointments are not challenged by the Chancellor.

The New System

The new decentralization law opened a major new direction in the old debate. It gave the Community School Boards the responsibility for making supervisory appointments for the schools under their jurisdiction and changed the function of the Board of Examiners in preliminary screening.

In the first year of their existence the Community School Boards have had to function in a system incompatible with the goals of decentralization. Personnel practices under centralization were buttressed by the United Federation of Teachers and the Council of

Supervisory Associations. Just before the newly elected Community Boards took office, all persons on the eligible list for elementary school principal approved by the Central Board received appointments to the title and salary of elementary school principal (this was in accordance with the law.) Former City Council President Francis X. Smith had urged the Interim Board as "its first order of business to find places for some fifty principals and assistant principals who are wasted in routine chores." (New York Times, May 30, 1969, p. 25.)

The 106 individuals on the elementary school principal eligible list who were automatically appointed on March 31, 1970 were denominated "auxiliary principals" have yet to be placed in elementary school principal vacancies. (Most of these "auxiliary principals" are serving as elementary school assistant principals or are stationed in Junior High Schools.)

This circumstance offered the Community School Boards an opportunity to experiment in the appointment of principals. In the absence of an eligible list, Boards were able to select acting principals who met state certification and had some experience or training. This was the policy established by the Interim Board.

The Community School Board had an option of one of the following four to fill a vacant elementary school principal position according to an interpretation of the decentralization legislation, subsequent court decision and Board policy directives:

"1. appointing a principal who applies for transfer from another school

2. appointing a person on the qualifying eligible list for position of day and elementary school principal

3. appointing an "auxiliary principal"

4. appointing an acting principal."

(John Timbers, "Appointment of Elementary School Principals," Manual on the School Decentralization Law, School System Project, New York Lawyers' Committee for Civil Rights Under Law, 1971, p. 1).

Although most of the Community School Boards continued to use licensed personnel, a few Boards opted for the fourth alternative, the acting principal, because this allowed them to circumvent the New York City examinations and procedures. In those districts with the poor educational output, the Community School Boards perceived personnel to be crucial to the learning process. For example, Districts 9, 10, and 13 established more personnel committees than other districts and hired more minority supervisors. Of a total of 108 acting principals appointed by Community School Boards, forty five are minority.* Appointment of an acting principal as a device to circumvent an eligible list has also been used in District 5. The Council of Supervisory Associations challenged the appointment of an acting principal in court and lost. In one District 22, the acting principal was selected to buy time so that the Board could look for a competent principal for the vacated post.

The acting principal option answered the problem of putting a man in charge who the community and the Community School Board thought was the most competent. The community had more confidence in its own judgment than the Board of Examiners.

We cannot overlook the fact that various persons having the duty of selecting supervisory personnel, such as members of community school boards, have stated in affidavits filed with the court that they have often found that holders of licenses from the Board of Examiners do not

*See Table III.

TABLE III

PRINCIPALS APPOINTED BY COMMUNITY SCHOOL BOARDS SINCE (SEPT. 1970)

	Elementary Day	Jr. High	Total
Acting Principals	85	23	108

MINORITY PRINCIPALS APPOINTED BY COMMUNITY SCHOOL BOARDS SINCE (SEPT. 1970)

	Elementary Day	Jr. High	Total
Acting Principals	35	10	45

Source:

Director of Personnel of
Board of Education, New York City

possess the ability to perform the duties of a supervisory position for which a candidate is sought. The result is that in order to select qualified personnel it has been necessary to appoint unlicensed candidates on an acting basis. (See testimony of Peter J. Strauss and others, Chance and Mercado v Board of Education).

Even though acting principals were judged and selected by the Community School Board to fill the position of principal, some of the minority group principals felt they were discriminated against by the Board of Examiners. They could not receive their full licenses. In addition, the new flexibility of appointment was to be terminated with the promulgation of a new elementary school principals list.

In District 3, the Community School Board challenged the Board of Examiners in court on behalf of Acting Principal Louis Mercado. Mercado refused to take the principal's examination on the ground that it was discriminatory. He was joined in the suit by Boston Chance, an acting principal in a Harlem school, who had failed the principal's examination.

A considerable jolt was given to the Board of Examiners when Judge C. J. Mansfield, who presided over the case, ruled in favor of Acting Principals Chance and Mercado. .

The plaintiffs had argued; "Were it not for New York City's special examination and licensing procedure, plaintiffs Chance and Mercado would have been certified by the state for the position, and both are specially trained to be principals, having graduated from a year-long Fordham University Instructional Administrators and Principals Internship Program in Urban Education." (Chance, et al, vs. Board of Education et al, 70 civ. 4141 CSD, New York, p. 3.) Judge

Mansfield concluded that the evidence reveals that "the examinations prepared and administered by the Board of Examiners for the licensing of supervisory personnel, such as Principals and Assistant Principals, have the de facto effect of discriminating significantly and substantially against Black and Puerto Rican applicants." (P. 20)

Subsequently Judge Mansfield charged the Board of Examiners "to consider an overhaul that will not only eliminate racial discrimination, but lead to procedures that will be more adaptable to the Community School Board type of administration. (Chance, et al, vs. Board of Education et al, p. 22).

A temporary restraining order is presently in effect which forbids the Board of Examiners from promulgating any new eligible lists until new performance based criteria are developed. However, based on conclusions of Judge Mansfield, the feasibility of the Board of Examiners developing an examination with predictive validity is doubtful. Mansfield conclusion regarding criterion for principal suggested that such attribute would not be determined through written examination. Chancellor Scribner recently (Oct. 6, 1971) suggested using state accreditation as the criterion for licensing and the Interim Board has since approved this proposal. State licensing already provides an initial screening of candidates on their education and experience, and the decentralization law now requires the thirty one Community School Boards to develop their own fair and objective procedures for selecting from among those on a qualifying list the particular candidate who will best fill a vacancy.

The recent budget cuts have revealed the Interim Boards' commitment to a narrow interpretation of the UFT Contract and Civil Service

requirements. Personnel released from headquarters positions in the last few months have been assigned to local districts indiscriminately. According to Dr. Sidney Rosenberg, Director of Personnel at the Board of Education, these people are being bumped. The plan is to bump them according to seniority. If a district doesn't want them, the district office may abolish a position and they will be sent to another district.

Lack of control of budget and personnel is also hampering those districts with schools in the lowest 45 percentile of reading. According to the law they are entitled to recruit teachers directly. The Department of Personnel has received names for approval by Community School Boards. According to a senior staff person in that department these applicants cannot be approved because either they have never taken the National Teachers Examination or failed to submit transcripts of college courses attesting to eligibility. Only about 100 are qualified for appointment by central Personnel Department Standards, but only if there are vacancies. If the intention of the legislation was to loosen personnel recruitment and give community boards greater discretion it has not succeeded in achieving those results. Little has changed under the 1969 legislation.

The Mansfield decision has, however, provided a significant challenge to the state legislature for reforming personnel practices in the next session. The decision establishes that sound criteria for selection of principals is unlikely to be translated into written and validated test form. Current lists can no longer be used by the Board for placement and state accreditation has been established by the Chancellor and the Interim Board as acceptable procedure. It would seem especially appropriate now for the legislature to finally come to grips

with the issue and abolish the Board of Examiners and encourage use of state standards to regulate city personnel practices. These state standards can be effectively supplemented by Community School Board regulations.

Although the Mansfield decision refers only to supervisory personnel, its argument can also be used as the basis of recommendation of the written examination procedures for selection of teachers. Joining the commitment to widening the discretion of local boards in teacher selection to the accepted limited value of the examination procedure, the argument for accepting state teacher accreditation standards in N.Y.C. is increasingly convincing. With the teacher shortage at an end, the time is opportune to reform teacher training and selection procedures.

The Community Boards and Personnel

Most CSB members interviewed identified personnel as one of the most important issues. Their judgment affirms the projection of several of the analysts of decentralization, that "the effectiveness of the local school board in changing the schools will depend to a great extent on the cooperation and proficiency of the school staff in carrying out such changes" (Henry M. Levin, ed., Community Control of Schools [Brookings Institution, 1970.], 289). One can argue, furthermore, that "if the local district is bound by existing personnel practices (that is, central examination and assignment of staff). . .it will not have broadened its own power base in the vital area of control over jobs" (Marilyn Gittel, "The Balance of Power and the Community School" in Levin, 119).

The experience of the demonstration districts underscores the importance of the area of personnel. The board members here viewed it as most important, and acted on it immediately, challenging

established practices. Many predicted (and/or feared) that the new decentralized districts would confront the system on personnel.

The Decentralization Law and Personnel

The law provided for two hiring and assignment processes: a basic method which applies uniformly to teaching and supervisory personnel and an alternate method which applies only to teachers and which community boards may employ only under certain circumstances.

According to the basic method, all candidates hired will have to meet minimum education and experience requirements (not less than state certification requirements) established by the Chancellor. All candidates, except those for the position of Chancellor, executive deputy, deputy and assistant superintendent, must be examined and placed on eligible lists by the Board of Examiners.

The Board of Examiners is continued in substantially its traditional role except for a few minor adjustments. Although the Chancellor may serve as a member of the Board of Examiners, he can never be chosen as chairman under the new rotating chairmanship system. Ranking is continued for the filling of teacher vacancies, though it is abolished for supervisory positions.

The bill stipulates that the Chancellor will appoint and assign from appropriate eligible lists all teachers for community school districts.

The alternate method may be used by community boards any time between October 1 and May 1 any year to obtain personnel for the following September for any school which is ranked in the bottom 45% of a citywide reading test given annually by the Chancellor.

This method may also be used by a community school board at any time to fill a teaching position when there are no names on an eligible list. This authority, however, is subject to four conditions which must be met by the appointee--state certification requirements;

attainment of a place on an eligibility list or passed an equivalent qualifying examination; passed the National Teachers Exam within the past four years at a pass mark required of teachers during the prior year in the five largest cities using this test as a qualification (A Summary of the 1969 School Decentralization Law for New York City).

Supervisory Personnel

The primary role of the community school board is purportedly policy formulation and one important indicator of a district policy orientation and its attitude to the community is reflected in the choosing of its superintendent.

Under the decentralization law, community school boards are empowered to employ a District Superintendent for the district upon such terms and conditions as the Board shall determine, subject to the existing law.

Not very many districts exercised this power to appoint new district superintendents; only eight CSB districts (3, 5, 6, 10, 15, 18, 23 and 30) did so and two are in the process of doing so (22 and 28). There has been general agreement on the part of those who have studied the school system over the years that the selection of supervisory staff is primary.

No single decision of the school board approaches in importance the selection and appointment of the person who will serve as chief executive officer of the school system. "If the superintendent is a person in whom the board has confidence, the board has a reasonable chance of fulfilling its responsibilities. If he is not such a person, there is almost no way in which a board can function effectively," (Public Education Association). Selecting a Superintendent. A Handbook for Community School Boards. (Introduction p. 1).

Most districts require that final selection of the district

superintendent be made at an open meeting. In this respect, Article IV, Section 3 of Community School Board 13 By-Laws is at once, instructive and exemplary. "The Community Superintendent shall be elected at an open meeting of the Board, at which he must receive the votes of a majority of the whole number of the members of the board, taken by roll call."

The character and educational philosophy of the District Superintendents has been a major factor in determining the direction of the district. Relationships between the community boards and their superintendent are of considerable importance.

One method of strengthening relations between the District Superintendent and the community is spelled out in the By-Laws of many school districts. The district superintendent is required to attend all public meetings and speak on all matters presented before the Board. At these meetings the audience is encouraged to question the District Superintendent on any matter concerning schools in the district. This procedure is intended to give the community an opportunity to deal directly with the superintendent and hold him accountable to the district's residents. At the same time the superintendent's feedback from some CSBs have requested principals to be available at public meetings as well. Parental complaints range from ignorance of certain meetings which have not been adequately circularized to bomb scares in buildings which were never vacated.

Most CSBs have not deviated from central guidelines in the area of principal selection -- they have consistently hired principals who have their licenses, who have passed their exams.

The legal requirements have produced considerable difficulty for

the CSBs. For example, in District 9, many members of the community prefer that the school board appoint two popular acting principals, who are Black, as regular principals, but the board cannot do so because the two do not have their regular principal's licenses.

Some districts, however, have sought to gain power in the area of personnel by hiring acting principals. Doing so enables them to by-pass the civil service requirements for principals. The table indicates those districts which have been active in this area.

A direct clash between Community School Board 21 and the Central Board was avoided by the recent Mansfield decision. Prior to this decree, it had been unofficial board policy, that assistant principals be allowed to serve for one year only as acting principal. Faced with severe budget cuts, Community School Board 21 decided to continue some individuals in acting positions past the one year limitation. Interviewed prior to the Mansfield decision, a member of Community School Board 21 felt that some action against this central policy would be necessary.

This decision was reached when Mercado and Chance challenged the central board. Mr. Mercado was an acting principal who refused to take the principals' exam on the grounds that it was discriminatory. The result was a victory for Mercado. As a result, the central board extended the tenure of acting principals until 1972 pending study of the implications of the Mansfield decision. The court order bans appointments from new lists.

Most districts have hired some acting principals or assistant principals. The motivation for CSB's doing so does not always seem to be to challenge the central board or to gain more power in personnel or

SAMPLING OF DISTRICTS
PRINCIPALS APPOINTED BY CSB'S

Borough	District	School	Unlicensed Principal	Licensed Principal	Total
Manhattan	2	P.S. 198, 2, 190, J.H. 167	4		4
"	3	I.S. 44, P.S. 76, 84, 145 P.S. 75	4	1	5
"	4	I.S. 13	1		1
Bronx	7	P.S. 1, 37, 49, 149 P.S. 124	4	1	5
"	8	P.S. 62, 119, 138, 232, 125 P.S. 48, 93, 107	5	3	8
"	9	P.S. 114, 132, 126	3		3
"	10	P.S. 95, 56, 46		3	3
"	11	P.S. 89, 121, 68		3	3
Brooklyn	18	P.S. 115, 219, 233 P.S. 244	3	1	4
"	21	P.S. 97, 41		2	2
Queens	24	P.S. 119, J.H. 125		2	2
"	25	P.S. 29, 164, 201, J.H. 168, 154, J.H. 163, 184, 218		9	9
"	26	J.H. 67, P.S. 205, 162		3	3
"	29	P.S. 156, 131, 118, 135		4	4

*All principals were acting.

Source: Interview with Board members and community School Board District Office

budget. It is sometimes simply an expediential move--it gives the CSB time to find someone who meets central requirements, yet is acceptable to their own situation. It is also a way to hire more minority group persons who were not on eligible lists.

One last factor concerning the deployment of supervisory personnel by the CSBs deserves attention. Such personnel are entitled through their contracts to periodic leaves. Furthermore, some supervisory people are assigned to headquarters although they are paid from local district budgets. Both factors combine to severely curtail the CSB's deployment of personnel, since they cannot use these lines for other purposes. The same applies to teachers--they also are entitled to sabbatical leave after fourteen years of service. Because this leave does not often amount to a whole school term, the CSB's are hard pressed to find teachers willing to serve for the time of the leave and then have to make way for the regular teacher's return.

State law abolishes tenure for supervisory personnel; ranking is abolished for supervisory positions. This translates into a power resource for the CSBs. As we have seen, however, other constraints operate to curtail the CSB's deployment of supervisory personnel. Nor have most districts challenged these limitations.

Teacher Selection

Perhaps one of the most important constraints on the CSBs, one mentioned by many members, stems from the union contract, over which local boards have no control. Local districts are denied a wide area of policy-making powers (in the areas of salary, fringe benefits, and utilization of staff) -- they are bound by a contract they have no role in decision making. A significant shift in power to the local community would require a shift in negotiating contracts from the city board to

the CSB. A major feature of the Bundy plan was the negotiation of supplementary contracts by local district boards.

Most CSBs have granted tenure to teachers uniformly. By State law, anybody who has been satisfactorily employed as a regularly appointed teacher for five years receives permanent appointment. By State law, also, credit of up to three years towards permanent status may be given for satisfactory substitute service, so that where a teacher has been satisfactorily employed as a substitute for two years, only one year of regular experience is necessary.

New York City differs from the rest of the State in that, elsewhere a teacher may be discharged without a hearing during probationary service, whereas in New York City, Section 105A of the By-Laws of the Board of education requires at least on one interpretation that a probationer be given a hearing. The probationer's hearing is before the Chancellor or his designated committee; the tenured teacher's hearing is before a trial examiner appointed by the Community Board.

In the schools the principals generally evaluate the services of all staff members, be they substitutes, probationers or tenured personnel, since all are rated annually. These annual ratings are submitted to the district superintendent. For probationary teachers, the principals are generally required to submit reports of their observations of the teachers at work to the superintendent. If a teacher does not receive a U rating, he can expect to be granted permanent appointment automatically.

The district superintendent recommends permanent tenure; the CSB grants it. A teacher who receives permanent tenure is given a Certificate of Permanent Appointment signed by the chairman, the CSB and the district superintendent.

It is not standard procedure that the CSBs must grant tenure so

uniformly. A few teachers have been suspended--but very few. In District 14, for instance, three teachers were denied tenure, pending the investigation of charges against them. District 4 refused tenure to two probationary leaders. The district also discontinued the services of another probationary teacher (PS 107) because of her excessive lateness. According to the Bureau of Teacher Record, this teacher was late eighty six times in one school year, 1969-1970. Such instances of exertion by the CSBs, however, are infrequent.

Why has this situation developed? An excerpt from District 15's minutes is explanatory:

> The Community School Board has run into a problem in the granting of tenure, which should never have occurred. We, are governed by rules, contracts, laws, regulations. When we proceeded to investigate tenure in the district, we requested the names of people coming up for tenure. We were given twenty five names. We sent letters to principals asking for reports and opinions on these teachers. Last week, we were given a new list, containing seventy five names, Rating should be submitted sixty days before tenure date. . . . Mr. Kaplan stated that as President of the Community School Board, he would accept responsibility for the acts of others. He further said that "HE HAD BEEN HAD" by the system. He had not been forewarned by principals, (who had an obligation to send this information in advance) and feels that unfair advantage was taken by the administrators.

Although this CSB and others faced with such situations have learned from them, there are still limits on their power.

District 14's CSB, for example, granted tenure to a number of teachers who served a probationary period of one and one half years and

supervisors who had served a probationary period of one year. The CSB was sued and the court decided that the board did not have power to reduce the probationary period provided for by the central board by-laws.

A few CSBs, however, have attempted to be as independent of central constraints as possible. With respect to the UFT contract, the CSB in District 4 has taken legal action challenging the constitutionality of the UFT contract excessing rules provision with regard to teachers, because those excessing rules result in de facto discrimination among the teaching staff.

The CSB offered the following explanation:

"The implementation of the excessing rules of the UFT contract, in the light of the recent budget cut, will certainly result in the loss of a significant number of minority group persons employed in teaching positions" (meeting agenda for CSB 4).

There are, even now in the district before the cutting of staff, few Blacks and Puerto Ricans employed as teachers. If teachers are fired on the basis of "last hired, first fired"--which the excessing rules require--then it is conceivable that a district with 90% minority children could wind up with close to no minority personnel.

Trouble is probably forthcoming in District 13 as well. If layoffs are necessary because of the budget cuts, this CSB is considering the criterion of performance rather than seniority. This will undoubtedly cause considerable flak with the UFT.

Most districts are faced with teacher layoffs because of the budget cuts. The problem is urgent because the extent of the cuts are not known. Thus the local districts cannot even decide who to keep. Many teachers are

left not knowing whether they have a position.

Another district has taken the initiative with respect to special personnel. In District 9, in the Bronx, guidance counselors were assigned to the district without the knowledge of the community school board. Board members complained because none of them could communicate in the Spanish language. 43% of the children in the district are of Puerto Rican heritage and another 4% are of other Spanish speaking heritage. Said one member: "A large number of the parents of our children cannot communicate in the English language and many of the children in our district do not speak English. How can a counselor advise or give guidance to children and parents when he cannot understand them or they the counselor?"

Accordingly, CSB 9 sued the central board and won its case. A good number of its guidance counselors will thus have to be bilingual.

A similar situation is developing in District 8. At the public meeting of July 14, it was brought to the attention of all present that two guidance teachers were assigned to the District. The consensus of these present was that they were not needed. The CSB, after listening to the community indicated that it would take steps to have them removed.

Some CSBs have shown discontent with the need to hire from the eligible lists. For example, CSB 26 has searched carefully for bilingual educators and has shown its skepticism of the eligible lists provided by the Board of Examiners. Members of the CSB feel the district will have numerous problems with the central educational bureaucracy in the future as they move more and more from the accepted procedures to acquire the people they feel the district needs.

There is also the alternate method of hiring. "Based on the city-wide

reading tests, 320 schools, mostly in Black and Puerto Rican communities, are eligible (to hire under the alternate method): (this figure includes) twenty four schools in Ocean Hill-Brownsville, twenty three in Bedford-Stuyvesant, twenty seven in Central Harlem, four in East Harlem, nine in the Bronx, and several on the Upper West Side of Manhattan. Oliver Gibson, special assistant to the Community Superintendent in District 12, South Bronx, explains: 'Barring any hanky-panky from the United Federation of Teachers, at least 120 teachers will be hired in the Fall.' The UFT, which supports the Board of Examiners is not enthusiastic." (Community Information Bulletin, 7/71-1).

Dr. Sidney Rosenberg, the city's Assistant Superintendent for Personnel, has indicated, however, that "we have about 750 approvals for such persons from various districts--however most of them cannot be approved by this board because either they have never taken the National Teacher Examination or failed to submit transcripts of college courses attesting to eligibility. Only about 100 seem to be qualified for appointment, but only if there are vacancies. The entire situation is very unclear--of approximately 100 NTEs out of 750, only a small fraction may be appointed. If there are excess persons in various districts, they may wipe out the number to be appointed."

One could argue that granting of this alternate hiring method to local school boards is of questionable benefit to children with low reading scores because only those schools which rank in the lowest 45% in the city would qualify although a far larger number of the city schools may very well fall within the lowest 45% of a national average.

Community Involvement in Selection of Personnel

The decentralization law, some allege, was intended to widen

participation beyond the CSB to parents in each school. The PA or PTA groups have generally been the major mechanisms through which this participation takes place. Various and contradictory interpretations of this requirement have been rendered.

Several CSBs use the rhetoric of "consultation" to define the role of parents in a school. The case of District 22 is suggestive in this respect. It has had one suit in this area: the PA at PS 222 sued the CSB arguing that it was not legally consulted on the appointment of an acting principal for its school. The PA group contended that it was presented with "the choice of one candidate" and asked that the board be directed to remove the appointee until there has been "meaningful consultation." It assumed it should have a role and pressured for a say. The State Supreme Court dismissed the case indicating that the law does not require a parent role. The attitude that characterizes half the CSB is expressed by its chairman: It was "unwarranted to think we haven't considered parent consultation. We tried to persuade the parents that consultation does not mean a veto over our judgment." The term "consultation" thus means different things to different people. The CSBs, however, generally use it in such a way that meaningful participation by parent groups is excluded.

The notion of a CSB as a kind of enlightened vanguard characterized District 20. In hiring of personnel, while some board members in this district claim the Parents' Associations have been involved in selections of principals, parents claim there has been no change from the past procedure of excluding parents. In effect, the community seems to feel it is cutoff. The CSB has argued that the PAs are not truly representative--at one school Puerto Rican parents are cut out of effective

representation in the PA because, among other things, its officers do not inform them of meetings and events--and therefore should be by-passed in favor of selected parents. Thus parental "advisors" at some consultations over the hiring of principals were not from the PA of the school in question. In fact, the PA of that school was not notified or asked to send a representative.

This counters the spirit of decentralization. Regardless of CSB 20's view that it must encompass the entire community viewpoint, in a principal decision, the PA of that school appears to have a larger stake than any other community group. The defense that the PAs are not truly representative and therefore should be by-passed in favor of selected parents is not validated by those minority group members at public meetings. For if this move to get parents was a liberal move to by-pass racist PAs, the open animosity that exists, between Black and Puerto Rican parents and the community board at the public meetings would be absent. Unfortunately it is not, leaving one with the belief those parents who do sit in at interviews are deemed "safe" and will say what the board wants to hear.

Two or three districts appear to have allowed the community a more significant role in this process. For example, District 6 has shown its belief in community participation by allowing primary interviews for principal positions to be done by the parents. The Parent's Association of each school interviews all candidates, and sends, to the community school board a list of three individuals they would be pleased to see as principal. The community school board then selects one of these people. To date, July, 1971, the community school board has gone along with all Parents' Association recommendations, in Black as well as White schools,

and been able to give the available position to one of the three people listed.

The CSB in District 24 has provided a mechanism through which the community might have a meaningful input into the selection of personnel. All actions taken by the Board seem to be the results of its committee, findings, and voting committee assignments are open to everyone. A committee consists of one board member, two UFT representatives, two CSA members, and as many parents as would like to join. Since all members vote on decisions, if five or more parents showed up for each committee, they would in fact control board policy. Unfortunately, the parents have not shown much interest in this process, so the hiring has been given by default to these other groups.

In District 4, the procedure is such that the PA for the school to which a principal or acting principal is to be assigned, must approve of the candidate before he is appointed. Other than the case of these two or three districts, the CSBs have generally allowed parent groups little role in the selection of supervisory personnel.

Those districts having the greatest parent participation not only experienced the greatest change in personnel selection methods, they also seemed to differ from their counterparts in the types of people chosen and preferred. These districts generally sought to hire and maintain a level of minority personnel most commensurate with the composition of the pupil population of their district. As we observed, the budget cuts threaten to curtail the effectiveness of these endeavors. But we also indicated that the CSB in District 4, which gives the PAs a veto power in the selection of supervisory personnel, has sued the city board because of the certain discriminatory effects of these cuts.

III. BUDGET POLICY AND PRACTICES

Budgeting policy can be a major instrument for developing continuous evaluation of and innovation within a system, or it can be a routine bookkeeping operation supporting the status quo. The implications of budget policy are so enormous that they reflect on all aspects of educational policy.

The forces that contributed to the decline of the public schools during and subsequent to World War II are the same in all large cities. Capital expenditures, curtailed during the war, were insufficient in the late 40's to replace an old and deteriorating school plant. Teachers' salaries were low and potentially competent teachers were attracted to other fields and suburban school systems. Overcentralization and unmanageable school bureaucracies emerged to limit change and discourage initiative. The malaise in the cities' school systems was widespread yet a cult of "professionals" insulated the school bureaucracy from outside criticism.

The Old System

In New York City, commission studies and consultant reports in the 1950's and 1960's scored the budget and management process as a central reason for the ills in the education arena. The Strayer and Yavner report Administrative Management of the School System of New York City, 1951, and the Preusse Report (Board of Education: Organization and Management of School Planning and Construction, 1959), and the Crewson Report (Report

on the New York City Schools, 1962), criticized the budget and management procedures at the Board of Education and recommended extensive revamping of the decision-making and administrative functions. In 1963, the New York Times reported that: "A management survey has found that serious administrative weaknesses prevent the efficient operation of the city school system" (Leonard Buder, "Bad Management in City's Schools Charged in Study," The New York Times, April 27, 1963). The report, prepared by the consulting firm of Cresap, McCormick and Paget in 1962, at the request of the Board of Education, discovered that the lines of responsibility between the central board, and the Superintendent and headquarters staff were unclear and resulted in inefficiency and lack of accountability. In addition, the report concluded that the diffusion of budget responsibility was an important reason for the lack of productivity at the Board of Education. (Bundy Report, p. 90)

The system's budgetary procedures have failed to provide quality control and accountability for several reasons.

- There has been no mandated or regular outside review of monies spent by the Board of Education.
- Budget decisions have been made by a small group of top headquarters personnel.
- Budget policy and allocation have resulted in inequalities in distribution of resources.

Thus, the budget has not been used as a plan of action or a measure of performance.

Fiscal Accountability

In an expansion of a staff report on education decision-making,

to the New York City Temporary Commission on City Finances in 1966, Marilyn Gittell examined school budgeting and its implications for wide areas of educational policy. (Marilyn Gittell, Participants and Participation: A Study of School Policy in New York City, New York: Frederick A. Praeger, 1967, pp. 23-27.) That study concluded that the Board of Education, in contrast to other city agencies has wide discretion over its budget. The Board receives a lumpsum appropriation thus allowing it the freedom to "shift funds from one program to another without specific approval of the Mayor, the Board of Estimate, or the Bureau of the Budget, though in certain instances it must hold public hearings." (Gittell, p. 23)

Freedom from outside surveillance exempted the board from an accurate accounting of monies spent. David Rogers has chronicled the frustration of parent and community groups in 110 Livingston Street.

> "There was virtually no accurate accounting of the final use of public monies. Even when officials from established civic groups went to headquarters for an account of budgetary shifts, they got it only with great difficulty, and were sometimes insulted and ridiculed in the process. One of the top administrators of the Bureau of Business Affairs had acquired a reputation for being an obstinate guardian of the board's budgetary records. He would divulge nothing, except under extreme pressures." (Rogers, p. 329)

The Memorandum of Understanding in 1962 stated no shifting of monies could be done without a public hearing. Nonetheless, the practice continued. The Citizens Committee for Children, the Citizens Budget Commission and other interested groups expressed great dismay in 1963

and early 1964 that the board kept violating the memorandum by making major fund transfers without holding public hearings. (Rogers, p. 329)

In 1967, budget flexibility was modified so that alterations among seven major programs require mayoral approval and changes within the appropriations require validation by the Bureau of the Budget, However, observers continued to lament the fiscal system's chaotic state and the fact that school headquarters has not been able to provide information on the actual expenditures for any individual school. (Bundy Report, p. 53)

In 1967, the Board instituted procedures for a Program, Planning, Budgeting System to gather information on a district wide and ultimately individual school basis. It also sought to decentralize minor budget items. Neither of these steps were effectively implemented. PPBS procedures were basically concerned with costs rather than effectiveness and did not change the base of budgeting. The increased budget leeway given to district superintendents over maintenance and the principals' fund for "purchase of small value" did not transfer responsibility and accountability to local boards.

Though the school system was legally decentralized in 1969, budgeting has remained a central function. The new Interim Board inherited the old disastrous fiscal system and made no effort to change it to adjust to decentralization. Thus the budgetary crisis in the spring of 1971 caused by the Board of Education's $40 million deficit magnified the inadequacy of fiscal communications and controls. In March, 1971, the LaVerne Commission appointed by the State Senate to look into the deficit, investigated the expense budget. (Interim Report of the Special Senate Committee to Investigate the New York City Board of Education, Submitted March 15, 1971.)

As an example of mismanagement, the Commission cited the central

board's use of accruals for forced savings. Accruals are a means of effecting budget reductions without deleting specific jobs by enforced vacancies. At the Commission Hearings there was serious disagreement between the Board and city officials over whether the Board could affect savings of $59 million by not filling vacancies.

"Mr. Bergtraum testified that when the Board discovered that the Mayor's Executive Budget was going to require the Board to save $59 million during 1970-1971, and the Board's figures indicated that it has saved only $27 million in accruals the previous year, the staff was set to work on research to determine what the Board would have to do to double the previous year's accruals. This research indicated that the Board would have to cut personnel expenditures by approximately five percent." (Interim Report p. 5) However, Edward K. Hamilton, the City Budget Director, told the Committee that his figures "indicated that the Board of Education had actually achieved $76 million in accruals during the previous year, and that the great bulk of that amount was in personnel. The $76 million figure included the $27 million mentioned by the Board, $10 million in unexpended funds and $39 million in emergency reductions during the previous year." (Interim Report p. 5)

The Commission faulted the Board for overspending its substitute teacher appropriation by 50%. The Commission concluded that the Board's "fiscal, accounting and management procedures.. are totally inadequate to provide information necessary to make decisions concerning the operation of a school system." (Interim Report p. 9) The Commission's report added that lack of external audit or control by the Bureau of the Budget and the Comptroller had contributed to the problem.

The capital budget has also come under sharp attack. In a

memorandum to Budget Director, Edward Hamilton (August 13, 1970) on Capital Budget Issues for the Board of Education the following criticisms were made:

1. The Board requested $604 million for capital budget (1971-1972), when it will be unable to spend more than $250-260 million next year.
2. The Board's mix of schools is a "wish-list of every project that any community group or Board official ever thought of. It bears no relation to the resources which are actually likely to be available for building schools during the next six years." (Ronald Singer and Cheryl Clark, Capital Budget Issues for Board of Education, p. 1)

In this connection, the report points out current enrollment projections ignore migration trends resulting in large errors in transitional areas of the city. The report concludes that the capital budget is neither a document nor a plan.

The Closed Budget Process

Though the school system constitutes over one-fifth of the cost of city government, and the school budget must be adopted by the Mayor and the Board of Estimate, participation in the education budget process has been limited, primarily to the school professionals. "In order to influence the development and growth of the city, the School Board, the Mayor, and other community people must state and translate school policy into financial terms and have it voted into the budget." (Marcia Marker Fald, A Basic Guide to the New York City School Budget Process, Institute

for Community Studies, Queens College, 1969, p. 5). By this standard, the budget process must be judged as a failure.

An analysis of budget procedures and decisions reveals that outside participants generally play an insignificant role. First, there is almost no flexibility in the budget because of the commitments made in previous years. It has been estimated that mandated expenditures comprise 60 percent of the budget (Bundy, p. 53). Thus, budgeting is largely incremental.

Second, "Local boards and district superintendents have little or no discretion in the development of the budget. Adjustments to local needs are nonexistent (except in formulas established for special service category schools). Individual principals have no budget leeway: they are restricted by headquarters policies and directives." (Gittell, p. 25)

Third, the time schedule mitigates against outside participation. Though the budget is a continuing year-round operation, the period for budget preparation allows 30-90 days for review and analysis. This is only suitable to incremental, short range planning. Often there is only a week between the publication of the budget in September and the first public hearings.

New York City has two separate budgets -- expense and capital outlay. Both budget procedures are governed by the 1963 New York City Amended Charter. (Recent decentralization legislation does not change this procedure.)

Different budget schedules for the city, state and federal government mitigate against rational programming. Federal funds are delayed so that new programs often never see the light of day. In addition, the budget process is further complicated by the role of the New York City

Office of the Bureau of the Budget. The Bureau staff establishes procedures and requirements for education which do not add to the planning and evaluation of programs but encourages a parochial view of the budget process. "Until very recently, the expense budget was a "line item", each individual item being given a single cost. This meant that it was quite difficult to understand the actual costs of, for example, a school remedial reading program or an afterschool sports program. Even those in the New York City Office of the Bureau of the Budget were unable to piece together a comprehensive view of a school operation. Due to this fragmented approach to the budget which often hid the real cost of the program, those critical of the performance of school programs could not pin-point the cost-benefit problems"! (Feld, p. 28)

In short, the budget system has operated to date with little accountability either to the mayor or to local communities. Budgetary decisions have been made by a closed group of top headquarters staff. The Board itself has had inadequate staff and time to review the budget in relation to program needs or performance.

The present five-man Interim Board of Education became aware early in its tenure of the disastrous state of Livingston Street's fiscal systems and hired the consulting firm of Peat, Marwick and Mitchell to: (1) recommend new accounting procedures for the new community school boards and (2) review and make recommendations for restructuring the city board's systems. The accounting system for the community boards was already being instituted at the time the Peat, Marwick and Mitchell report was issued, and community boards were critical of the fact that they were consulted neither in its preparation nor before implementation. On the city board's fiscal operations no report had been published prior to the

budget crisis.

The foregoing analysis of the Board of Education budgeting policy supports the inescapable conclusion that the budget is not used as a plan of action. Although the Board has extensive control, budget making is incremental and nonprogrammatic.

"Over the last decade, despite a more than doubling of the school budget, only a small percentage of the budget increase is associated with significant changes in the educational process. Almost all of the increased expenditures were mandated by either enrollment increases or negotiated increases in salaries." (T. Edward Hollander and Marilyn Gittell, Six Urban School Districts, New York: Praeger, 1968, p. 129).

A study by Frederick Hayes (Analyzing Education Budgets) of the 1970-71 modified budget pin-points the problem. Hayes discovered that: "Only seventy seven of every one hundred teachers assigned to the elementary schools is needed for classroom duty at the specified average class size. The remainder represent teacher assignments outside the classroom or supplementary to classroom duty. He concludes: "The main policy input is the maximum class size of thirty two required under the contract between the United Federation of Teachers and the Board of Education. This could, of course, as readily represent a policy or an objective of the Board of Education." (Hayes, p. 12)

Hayes points out the implications of the staffing pattern for the budget. Extra or surplus teachers represent a total of $41.2 million, of which approximately $33 million is for salaries and $18.2 million for fringe benefits. "Not surprisingly, Board of Education reports do not indicate clearly what they are doing.. Some are carrying out administrative duties; some are doing guidance counseling; some are presumably

carrying out special programs. At this point in budgetary review, the budget director can well say that it makes little difference what the surplus teachers actually do; so long as they are not essential, the budgetary problem requires that numbers be specifically cut back." (Hayes, p. 14).

The Hayes Report discovered that guidance counseling is the largest allocation of teacher assignments in the high schools, 321 of these positions are included in the instructional budget; 130 are provided for from other funds. Hayes comments: "This represents one counselor or teacher-time equivalent for every 224 pupils and an average of seventeen per high school. This is certainly sufficiently high to warrant more careful examination and comparison with recommended standards and practices in other systems." (Hayes, p. 22)

Finally the Hayes report blasts the lack of evaluation procedures for the myriad of new programs adopted by the New York City School system. He says: "The heart of the problem of analysis of expenditures for remedial or compensatory education is program evaluation. If we frankly recognize the trial and error nature of much of our effort on special educational programs, the first caution is to use the evaluation of programs in other jurisdictions and not repeat, without modification, programs that have failed elsewhere. That we do, especially in education, repeat the same mistake again and again in different milieus and contexts says something about our low institutional capacity to learn from our mistakes." (Hayes, p. 24)

Allocation of Funds

The amount of resources from the city and state available for educa-

tion in New York City is a function of taxing and appropriation decisions made by the Mayor, City Council, Board of Estimate and State Legislature. Resources have been traditionally allocated according to centrally determined norms such as pupil-teacher ratio and per capita allotment for supplies and equipment. There was no allocation formula as such. Modifications have been made where there have been recognized needs in certain areas of the city.

"The modifications reflected the Central Board's concept of a program rather than a variety of responses to the diverse needs and ideas of the district staffs and boards concerned." (Bundy, p. 55)

Expenditure patterns have been related to class size, teacher and supervisor salaries, age of the school building, availability of hours for adult education, and other community activities. The evidence is consistent using these indicators that the predominantly Black and Puerto Rican schools obtain the least resources. It is clear however that poorer neighborhoods, in general, receive fewer resources. Correlated with this inequitable distribution of resources is poor performance date.

The pattern of inequality has extended to use of federal funds. Rogers documented the illegal practice the New York City Board of Education pursued in the co-mingling of Title I funds with city tax levy monies in order to mask the original inequalities in resource allocations to schools and districts. Federal law specifically prohibits the use of federal funds to cover up existing inequalities but it intended to supplement resources. (Rogers, 110 Livingston Street) Moreover, a recent California State Supreme Court decision scores state finance formulas based on property taxes. Last summer, Judge Raymond argued in a majority decision that California discriminated against the poor through the

financing of education from property taxes. Education, the court argued, depends on the wealth of parents and neighbors. That system violates equal protection under the law. The implications of this decision for other states in resource allocation are large. New York State Assemblyman Stanley Harwood has followed the California lead to strike down the property tax by filing a similar suit in New York courts.

The New System

The decentralization legislation required the Interim Board to devise an allocation formula based on need to distribute funds and presumably control to community school boards. The Board hired McKinsey and Company to recommend the basis for a formula.

The McKinsey Report

The McKinsey report recommended that need be measured by the number of students with one year or more years reading retardation. It also suggested that this "direct" measure of educational need be combined with two "predictors" of need -- namely English language difficulty and enrollment in the free lunch program. Critics of the Report pointed out problems with some of these indicators. Students must apply for the free lunch program and whether they do so depends on a number of factors -- so enrollment in this program is not an accurate measure of poverty (a "predictor" of educational problems). The figures for Aid to Family with Dependent Children, when available, provide a more accurate measure of poverty.

Another problem concerns the reading retardation measures. Using this or any other achievement measure as the basis for allocating "need"

funds serves to reward failure and penalize achievement. It has been suggested that it is perhaps better, therefore, to rely exclusively on poverty as an indicator of educational problems.

In addition, only 5% of the total dollars available for distribution are allocated for special needs. Many of those familiar with the problems of education in the city have suggested that three or four times as much is required to equalize discrepancies in district resources.

As for the non-need portion of the allotment, the McKinsey Report discusses the equal pupil-teacher ratio formula as well as the equal class size formula. The former is rejected because those districts with the most Title I schools would have larger average class sizes than districts with fewer Title I schools. The districts with more Title I schools must assign more teachers to cover preparation periods instead of assigning them to their own classes.

McKinsey sees several advantages in the equal class size formula. First, it provides a good measure of educational resources and the formula leaves more funds for distribution in terms of need than the equal pupil-teacher formula. They estimate that high need districts will be hurt less by this formula than by an equal dollars formula.

The Allocation Formula

The Board adopted the McKinsey recommendation. The formula which went into effect July 1, 1971 is as follows: The main basis for allocation of funds to the districts is the equal per capita grant. Adjustments are made, however, for salary levels and need.

According to the city board, per capita allotments are computed as follows: "Three total dollar allotments representing separately kinder-

garten, other elementary, and junior high/intermediate dollars were developed from the total amount of personal service dollars available for distribution by per capita formula. These three separate allotments reflect the relative costs of kindergarten, other elementary and junior high/intermediate education." (Business and Administration Circular No. 1, 1971-72)

The special needs allowance is computed as follows: Each district's special needs allowance was computed by multiplying its percent of the city-wide total of elementary and junior high/intermediate pupils one or more years retarded in reading on the 1970-71 MAT reading tests by the total dollar allowance available for need. The actual percent calculated represented the students actually tested and those Category 2 Non-English speaking pupils excluded from the tests. When this formula is applied to Community School Boards, salary adjustments are subtracted from the special needs allocation. (See Table I) Thus, it is interesting to note that several of the districts involved have severe educational problems. Two such districts -- 12 and 23 -- actually end up with less money than is included in their basic allocation formula.

Per capita and special needs allotments for each district are totaled to provide the basis for adjustment for salary differences. Districts with average teacher salaries above the city-wide average salary receive an additional dollar allotment equal to the difference between the district's average salary rate and the city-wide average teacher salary rate multiplied by the number of teacher positions in those districts. Districts with average teacher salary rates below the city-wide average have their basic per capita and needs allotment reduced using the same methodology as described above for districts with above city-wide

TABLE I

1971-1972 TENTATIVE COMMUNITY DISTRICT
TAX LEVY ALLOCATION - DIRECT INSTRUCTIONAL ACTIVITIES
(MODULE 2)

District	Basic Allocation	Special Needs Allocation	Adjustment For Teacher Salary Differences	Total Allocation
1	$13,092,758	$ 928,458	(+) $ 72,751	$14,093,967
2	15,900,280	791,370	(+) 502,221	17,193,871
3	15,138,748	947,151	(+) 81,468	16,167,367
4	14,806,712	1,034,389	(+) 51,435	15,892,536
5	16,970,294	1,028,158	(-) 309,921	17,688,531
6	13,733,431	872,376	(+) 30,204	14,636,011
7	21,801,233	1,380,224	(-) 706,828	22,474,629
8	24,246,395	1,467,462	(-) 270,530	25,443,327
9	25,414,295	1,629,474	(-) 1,190,230	25,853,539
10	19,811,431	953,383	(+) 451,684	21,216,498
11	20,003,141	785,139	(+) 721,844	21,510,124
12	25,808,309	1,526,659	(-) 1,541,150	25,793,818
13	17,978,916	1,121,627	(-) 860,506	18,240,037
14	21,160,868	1,451,883	(-) 680,284	21,932,467
15	18,779,609	1,236,905	(-) 630,327	19,386,187
16	26,929,539	1,747,868	(-) 1,575,955	27,101,452
17	18,801,632	1,025,042	(-) 957,167	18,869,507
18	15,542,678	598,201	(+) 213,675	16,354,554
19	27,937,683	1,782,140	(-) 1,115,370	28,604,453
20	18,175,854	828,757	(+) 524,520	19,529,131
21	19,249,053	810,064	(+) 696,916	20,756,033
22	18,498,324	476,691	(+) 1,537,723	20,512,738
23	18,193,646	1,205,749	(-) 1,350,733	18,048,662
24	16,137,565	769,561	(+) 147,759	17,054,885
25	17,437,954	442,419	(+) 1,700,661	19,581,034
26	13,199,528	283,522	(+) 1,590,101	15,073,151
27	19,687,204	872,376	(+) 643,442	21,203,022
28	19,177,052	772,676	(+) 808,890	20,758,618
29	17,269,751	788,254	(+) 706,381	18,764,386
30	15,968,461	785,139	(+) 292,091	17,045,691
31	25,117,278	813,179	(+) 415,235	26,345,692
TOTAL	$591,969,622	$31,156,296	0	$623,125,918

SOURCE: Business and Administration Circular No. I, 1971-1972

average teacher salary rates.

Nancy Ticktin, Assistant Director of the Public Education Association, criticizes the Board's policy on salary levels by making a distinction between salary adjustments and salary supplements: "The modification for dealing with unequal salaries should be considered as a special supplement to the basic per capita grant to provide temporary relief for districts with above average salaries. Whereas salary 'adjustments' would simply convert the equal per capital formula into an equal teaching formula, 'supplements' for above-average salaries would be a special allowance to take care of a current condition, which could then diminish over time to zero on the theory that the above-average salaries would not have to be, or should not be, subsidized indefinitely" (Statement at Public Hearing in Chancellors Recommended Formula for 1971-72 Allocation of Funds for Districts). The virtue of this approach is that such supplements need not become "mandated costs" for the future.

The Budget and the Community School Boards

The allocation formula, though a significant reform, does not necessarily give new budgetary power to the community school boards. The Board of Education commissioned McKinsey and Company to conduct a pilot study of the management capabilities of a sample District #14. (Strengthening Community District Management: A Pilot Study of District #14, Board of Education, City of New York, January 1971). The report, issued in January, 1971, indicated that "the budget process now serves little purpose at the district level." Two main reasons were posited:

"First, various budgetary and legal requirements - outside the control of the (district) superintendent - require a high proportion of the

district's - available funds: most tax-levy funds are used to pay teachers, and allocations for this purpose are determined primarily by centrally negotiated UFT contract restrictions on maximum class size and preparation periods.

Second, .. the superintendent's actual financial control is even further limited by the actions of other groups in the system. In fact, many key decisions - e.g., the ultimate utilization of teachers - are made at other levels."

(McKinsey, pp. 2-5)

Thus, many Community School Boards have refused to abide by budget cuts and are challenging the validity of the entire budget process.

The provisions of the new system call for each Community School District to receive allocations according to modules. But boards can only transfer a small amount of funds (only from the administrative module) to other modules. Thus the major proposition of funds remains out of the control of local boards.

Community School Boards will not be able to discharge their responsibility for management until the central board identifies, separates and allocates all funds for these boards and provides the kind of technical information to the boards so they can engage in the budget process.

Conclusions

Since 1962, the New York City Board of Education has had extensive control over its budget. The central board has exercised this control by means of a lump sum appropriation and the ability to shift funds from one

program to another without critical review. Since 1967 the Bureau of the Budget reviews transfers but that seems to have had little effect on the procedure. This greater flexibility has not resulted in increased innovation nor has it helped to encourage accountability in programming.

The Board has not been able to secure the necessary budget information from its own staff to use the budget as a means of determing policy. Budgeting remains a dark area of routinized operations. Budgeting is largely incremental and non-programmatic, with mandated expenses, such as salaries, accounting for sixty percent of the total.

For the last decade the various new boards have committed themselves to a more reasonable and useful budget system. A variety of experts have been called in to assist in the effort yet recent budget issues indicate that solutions have been hard to come by.

The Interim Board continues to be plagued with the ineffectiveness of the budget processes and has demonstrated its lack of control of the operation. Although they were responsible for developing new procedures under decentralization the only effort they made was to meet the requirement of preparing an allocation formula. Local boards have not made significant inputs in the budget process and function largely as bookkeeping agencies. Certainly community groups have even less influence on the determination of the budget and allocation of resources.

If effective decentralization were implemented under new legislation a decentralized budgeting procedure under the district boards could be developed. Such a process could establish reliable performance and cost analysis on an individual school basis. The budget could then be used as a management and policy tool for rewarding workable programs and eliminating costly and unproductive projects.

Full state assumption * of financial responsibility for education would encourage the implementation of district budgeting assuming each of the districts were identified as independent recipients of state aid. District collective bargaining supplemental to state agreements would reduce the excessive constraints and mandatory expenditures which so greatly limit budgeting as a policy process.

The Community Boards and Budget

Many observers of the public schools maintain that in order to have significant power in any area of the educational program, control over both the expense and capital budgets is a necessity. Nearly all CSB members interviewed identified budgeting as one of the most important issues with which they must deal, yet they indicated that they have not been very effective in this area.

1.) Expense Budget

The decentralization law states that the CSBs must hold public hearings and submit budget estimates for their activities to the Chancellor. These estimates may be modified by the Chancellor after consultation with the community superintendents. They are then submitted by him--along with an estimate for city board activities--to the board of estimate and the city council.

Upon approval by these bodies, the Chancellor is to distribute the monies to the CSBs on the basis of "objective formulas" arrived at each year by the city board in consultation with himself, the CSBs and the Mayor. The Chancellor will also be authorized to make special allocations from appropriate city board funds to any CSB for special needs or innovative programs.

* The California case should raise the issue of financial reform of education as a more immediate concern.

APPENDIX CONSTRAINTS IMPOSED ON COMMUNITY SCHOOL BOARDS BY DECENTRALIZATION LAW *

I. Expense Budget

Budget Request

a. The Chancellor may modify Community School Boards budget estimates after consulting with the district superintendents.

b. The city board must approve these modified estimates after they are incorporated into the condolidated budget.

c The city board's budget hearings last only four days, not allowing much time for Community School Board input.

d. Once the city board has approved the consolidated budget, it will be submitted in the normal city budget process to the Mayor, and following any modifications he may make, to the Board of Estimate and City Council.

e. The City Council and Board of Estimate, before their approval is granted, must hold public hearings, which last only about a week. Again, local input is severely curtailed.

II. Allocation of Central Funds

The Chancellor allocates the funds to the Community School Boards in accordance with "objective formulas" established each vear by the city board in consultation with the Mayor and the Community School Boards.

III. Special Funds

a. Community boards will be able to contract directly for private funds which may be used for special programs but not eliminate existing positions and employees.

b. Community School Boards cannot apply as local educational agencies for state and federal funds distributed to the city on a formula basis (Title I and state Urban Education monies).

c. The Community School Boards will be limited in the total dollar amount of its proposals for such funds by an apportionment among Community School Boards, according to a formula reflecting the same economic and educational factors as those that determine the Chancellor's objective formula".

* The Community School Boards are also bound by the city boards with the UFT, CSA, custodians union, etc.

II. Capital Budget

1. City board is responsible for submitting a capital budget to the City Planning Commission. The budget must be approved by the Mayor, the Board of Estimate and the City Council.

2. Community School Boards can submit proposals for schools to the Chancellor, Mayor, Board of Estimate, City Council and Planning Commission.

3. The city board retains responsibility and control over capital constructions subject to the duties and authority of other city agencies.

4. The Community School Boards can select proposed sites for submission to the city site selection board.

5. The city board retains responsibility for the care, custody and control of school property.

6. A Community School Board cannot spend more than $250,000 for repairs in a fiscal year without special authorization from the Chancellor.

STATE CONSTRAINTS

"Funds may not be shifted from the capital to the expense budget or vice versa unless there is an offsetting shift in the other direction," (Feld, p. 15)

CITY CONSTRAINTS

"There is serious doubt as to whether the city charter provisions apply to the city board and to the Community School Boards absent, a specific provision of State Law. The State Constitution declares public education to be a State function ... The city board and the Community School Boards are created independently of the city by mandate of State Law," (Feld, p. 16)

The law also states that the Chancellor will develop procedures so that CSBs can establish and modify annual schedules for the expenditure of appropriated funds. These procedures were, "to the maximum extent feasible," to enable the CSBs to do this without prior approval, "subject to regulations which the Chancellor or budget director will establish to assure. . .compliance with the legal and fiscal requirements" (A Summary of the 1969 School Decentralization Law For New York City). Although these procedures were to have been established relatively promptly, they have not yet been developed.

Most of the expense budget consists of instructional cost; a recent Institute study placed the estimate at 70 percent (Marcia Marker Feld, A Basic Guide to the New York City School Budget Process). Because the CSBs are bound by the UFT's contract with the city board, local discretion is drastically curtailed. The vast mandatory expenditures for teachers salaries plus established ratios for specialized personnel make it clear that the budgetary power of the CSBs is of a very limited nature. In this vital area, the CSBs cannot change schedules without the Chancellor's approval.

Another related limit on the CSBs budgetary powers occurs when the city board, through a budget cut or some other exigency, has excess personnel. What happens then is that these persons are assigned to the respective districts or to central headquarters but must be paid from local district budgets. The result is that the CSBs are severly curtailed in their deployment of personnel and use of funds.

The central board's authority to transfer such employees is in the decentralization law:

> Within sixty days after February 16, 1970, the interim board, acting through the Chancellor, will transfer to each community board authority over all city district employees serving in or in connection with schools and programs under that community board's jurisdiction. All employees serving in

> or in connection with programs which continue under central jurisdiction will be retained. The interim board acting through the Chancellor can either transfer to appropriate community boards or retain other city district employees. (Summary.....).

It is clear that the central board did have the power to transfer various excess officials to the community system. But sixty days after February 16, 1970, have long passed, so its continuation of this practice seems legally questionable.

Some districts have sought to maintain their autonomy against the city board's encroachments. A direct clash between Community School Board 21 and the Central Board was avoided by the recent Mansfield decision. Prior to this decree it had been unofficial board policy that acting assistant principals be allowed to serve for one year only. Faced with severe budget cuts, Community School Board 21 decided to continue some individuals in acting assistant positions past the one year limitation. Interviewed prior to the Mansfield decision, one member of Community School Board 21 felt that some action against this central policy would be necessary.

Certain of the more prosperous districts are disturbed about the monetary problems which follow from the bussing of disadvantaged children into their schools. For example, CSB 24 was promised last year that all open-enrollment children coming into their district would have Title I and state-urban money follow them. The city board did send $100 of the $269 Title I funds per child, but the other $169 from federal monies were never received. As Joseph Whaler, a CSB member stated: "With the inadequate funds given to us for these children, we are unable to provide the extra help that is needed. In addition, the learning process for our own children is slowed down." (A Report to the Community, VI, June 1971;

CSB 24, p. 2). CSB 24 advised the city board that it "will not accept any open-enrollment students in District 24 next term unless the full allocation of their Title I and State-urban funds are given to District 24" (Ibid.) A confrontation may develop.

Other predominantly middle class districts share these worries. CSB 22, for example, has acknowledged an obligation to receive open-enrollment children, but believes that its first obligation is to its own children. This district, however, has been more successful in getting the state and federal monies in question--it has received about 70 percent of the full amount for each child.

Included in the expense budget are the operation and maintenance of plant. The law provides that the general responsibility for the care and control of school property will remain with the city board. The city board will hire all school custodians. This can have the same unfortunate effect on the employment of minority groups as can the city board's handling of all construction contracts. Some have argued that the custodians union supported the UFT in the Ocean Hill confrontation because it feared that community control of schools would remove White workers in the custodial services.

The "care, custody, and control of school property" is an ambiguous matter. One CSB member in District 22, has indicated that the city board has recently given this phrase some interpretation. It has decided that the decentralization law has given the CSBs power with respect to "the extended use of school buildings." This refers to the use of schools by Boy Scouts and other community groups. Whenever a school is used for such purposes, the city board's agreement with the custodians union mandates the assignment and payment of custodians to operate and

maintain the plant. Although authority over these matters (the union contract) has not been given to the CSBs, they are yet responsible under the new interpretation for allocating funds for payment of such personnel. The city board will be distributing funds to each district for this purpose. These funds, however, will not be adequate; this is to expected in a year of across the board budget cuts. But the city board refuses to release the previous costs of these activities to the CSBs. This refusal conjoined with the fact of general budget cuts lead many CSB members to suspect that the funds allocated for the extended use of school buildings would be grossly inadequate.

The upshot is that the city board is decentralizing, through this recent interpretation, the problems. It is using the CSBs as a buffer to protect it from the outbursts of various community groups who want to use the schools but will have to pay an excessive and perhaps prohibitive cost to do so. The CSBs will not be a target of protest and the city board will be able to avoid criticism by saying such powers now reside with the CSBs. One member of CSB 22 indicated that his CSB is discussing ways in which this situation, which he considers to be contrary to the spirit of decentralization, might be remedied.

2.) Capital Budget

With respect to the planning and construction of capital projects, the powers of the CSBs are severely limited. The decentralization law charges the city board, through the Chancellor, with the responsibility of "submitting a capital budget for construction, remodeling and enlargement of all school system facilities to the city planning commission." The powers of the CSBs merely entail submitting proposals for schools

within their jurisdiction to the Chancellor, Mayor, Board of Estimate, City Council and City Planning Commission. The city board, through the Chancellor, "will continue to employ all personnel required for construction and design." However, the law does give the CSBS certain advisory powers in the areas of "site selection and design and construction of facilities ... under their jurisdiction" (Summary...). For example, the CSBs may select proposed sites for submission to the city site selection board, select architects for particular projects from among several on the panel proposed by the city board and the like.

The limited power of the CSBs in this area has in some cases resulted in considerable delays and interference with discretion in local educational policy making. District 15 for example, experienced considerable difficulty in obtaining the approval of the Division of School Planning and Research for two mini-schools. The central agency refused to give the go ahead to these projects--which the CSB and community believed were desperately needed--because the plans did not meet certain space requirements. After several months of mutual bickering, the CSB did get permission to proceed--the funds were released--with plans that differed only in minor ways from those initially submitted. The limited power of the CSB, and the lack of responsiveness of the central bureaucracy meant that many children were deprived of a mini-school experience.

Another and similar situation developed in District 26 over the modernization of PS 159. The job had begun but the CSB later deviated from the central bureaucracy's specifications for the rest of the job, which cost $20,000. The project was halted because of the central board's veto, the delay cost being over $16,000 a month. Because of the hassle, the job has not been done for eight months; thus the delay cost has

significantly passed the cost of the protested section.

Despite bureaucratic inefficiency some districts have proceeded quite well with their construction projects. District 18 has followed the central guidelines and has been able to open up several annexes to schools which have helped ease the overcrowding of schools. These openings, in the words of one member of the CSB, could not have occurred within the previously structured system. District 22 has also proceeded quite well in the construction of I.S. 387. The selection of a re-use design for this school is supposed to save some six months to a year in completing the project.

Although the CSBs legally have little or no power in this area, it is perhaps fair to say that they can exercise some informal power. However, this entitles one to conclude little more than that some CSBs have this power in spite of the decentralization law.

As was noted, the city board retains the responsibility to employ all personnel required for construction and design. Part of the motivation behind this perhaps exists in the board of education's plan to force the construction trade unions to admit minority group members by withholding construction contracts. According to the Board's resolution of February 18, 1970, an acceptable plan for on-the-job training programs involving as many workers from disadvantaged areas is practical is required by contractors and subcontractors on all new school construction and major modernization contracts. Mayor Lindsay, furthermore, signed an executive order effective September 1, 1970, that required contractors working on city construction projects-- or projects assisted by the city-- to hire one minority trainee for every four journeymen on the job.

This means that authorized projects--those already approved by the Board of Estimate--have very often not been constructed. For example,

in District 29, three projects are involved: a mini-school for P.S. 34 in Queens Village, a wing for I.S. 231 in Springfield Gardens, and renovation of an annex at P.S. 37 in Springfield Gardens. The President of the CSB has demanded an end to what he branded the city board's "starve-into-submission-certain-unions" policy. His district has not had construction starts since the present city board assumed office over two years ago. Meanwhile, he states, continuing inflation is increasing the cost of the projects so that existing appropriations are becoming "increasingly inadequate." Furthermore, the insufficiency of seats for District 29's children has resulted in involved legal disputes with adjacent districts in which the excess children have to be placed.

The CSB in District 3 has urged, on the other hand, that the city board and contractors see to it that minority group members are not discriminated against in the construction of the Martin Luther King High School. The contract in question between the Caristo Construction Company and the Board of Education apparently violates both the board's and Mayor's commitment to on-the-job training programs on city construction programs. This leads one to question the city board's motivations in this area.

Another instance which bolsters this charge occurred in District 6. P.S. 187 was to have its kitchen modernized. In this situation, the CSB president, and the district superintendent, were politely ordered to utilize an engineering firm selected by the Office of School Buildings. This did not allow a board which has actively sought out qualified minority group workers (the CSBs paid executive staff is Black and Puerto Rican) to attempt to bring in an engineering firm of their own choice. In effect, this CSB felt that it was told it did not have the responsibility of fixing its own kitchens. The CSB complied with the directive and in effect

exerted no choice.

The foregoing indicates that the rationale for retaining central control over construction because contractors can be forced to hire minority personnel is inadequate. In fact, it would seem from the evidence that local boards would be more likely to fulfill that goal. Although it is reasonable, from certain perspectives, that construction should be handled centrally (i.e. economy of scale), there are very real advantages in giving the CSBs a greater discretion in this area as well. Delays in construction could be minimized (as in District 29) and the CSBs could be more responsive to particular local needs (as in District 6).

As we have indicated, the CSBs have advisory powers in the area of site selection. This is not to say that the CSBs can do much about getting the schools themselves. For example, in District 14 (as perhaps, in several others), everyone recognized the need for a new school but had little to do in bringing it about--as one CSB member stated, "110 decided to give us a school." Although there is general agreement about the need for schools, this consensus diminishes when the site must be selected. As one CSB member put it, "Everyone wants another school, but no one wants it on his block."

The site selection process brings the CSB into contact with several groups--homeowners, businesses, other school districts, etc. The protest of the sixty odd homeowners in District 24 has been in the news much in the past year. In District 15, a large business concern which would provide many jobs for the community, is being constructed on one of the proposed sites for a new school. An inter-district dispute broke out between District 22 and District 18 when the latter feared that having the former's school built close to its boundary would lead to

turmoil within their district. These are the kinds of concerns with which the various CSBs must deal in the site selection process.

Once again, it seems that the CSBs act as a buffer between the central board and the community although they have little power.

Before the CSB begins its site selection proceedings, the general vicinity of the new school has already been designated in the adopted capital budget. As we have suggested, the CSB site hearings provide various community groups with an input into the process of delineating the more specific neighborhood of the school. These proceedings can be significant insofar as affected groups can be heard and a proposed site arrived at.

Yet the formal power with regard to site selection resides with the Site Selection Board, which must approve all proposed sites of the CSB. Other city agencies are involved in the process as well as the Mayor, City Council and City Planning Commission, and so on.

Their intervention has, in some cases, stringently limited even the advisory powers the CSBs do have. District 24 was mentioned earlier with regard to the much publicized controversy concerning the proposed school site which would replace some sixty odd homeowners. That CSB was in favor of the site, yet things have been held up for a considerable period of time because the board does not have any significant authority in the matter. In such respects the CSB serves as a convenient buffer between the central bureaucracy and the local community.

The situation in District 8 provides another example of the CSBs' limited power in the site selection process. The City Planning Commission had apparently decided on a site for P.S. 182X without consulting that district's CSB. The CSB then took a show-cause order against the

commission; it also urged the community to begin a letter writing campaign to both the Mayor and the Bronx Borough President. However, the dispensation coming from the court was not favorable to the CSB. The district has decided not to appeal the decision. Once again a CSB may become unpopular in the eyes of some community members because the latter believe the board has power which it in fact does not have.

Perhaps the most that can be said for the site selection procedure prescribed by the decentralization law is that it permits more local inputs than the previous procedure. But since the CSBs have little actual power, frustrations arise both for the boards and the communities.

Title I

One salient fact has emerged in the handling of Title I funds for programs: the importance of professional control. "Since 1965, virtually all state and Federal funds for compensatory education granted to the City were spent in programs spelled out or controlled by the provisions of the UFT Contract," concluded Professors Anthony Cresswell and Paul Irvin in their study of Title I, State Politics and Federal Aid to Education in New York State (unpublished paper, p. 20). Moreover, that pattern emerged prior to the passage of the Elementary and Secondary Education Act of 1965.

Programs such as the More Effective Schools, Strengthened Early Childhood, Five Primary Schools and Experimental Elementary Programs were either directly mandated by the UFT contract or based on a clause calling for smaller classes and increased use of specialized personnel. The first four programs accounted for 48.4 million dollars of the 75 million dollars budgeted for the community school boards in 1970-71.

The total allocated to New York City for that year was $110,000,000

with 66.5% budgeted for the community boards. When aid to non-public schools and district open-enrollment allocations are subtracted from the money given to the community boards, 16.25 million dollars remained for the local school districts. Only the direction of 14.5% of the original allocation to New York City was actually decided by the community school boards. This figure was 3% less than the total dollar expenditure for programs directed by central board, and only 3.4% greater that the Title I funds devoted to contingency operations.

The rationale for the UFT sponsorship of various Title I programs should be evident. These programs are primarily quantitative, dealing with reducing size of classes and increasing teaching and specialized personnel. They make the work of classroom teachers easier and create more job lines.

Until the new decentralization law, the central board had complete power over the allocation funds for these programs. However, the decentralization law created a rivalry between the union and the community boards for control over these Title I programs. The community boards, of course, were anxious to decentralize these funds. Before the new law, the union contract determined most of the local, state and federal monies; the Decentralization Act, however, removed most federal aid from this category. Now the consultation of the community school boards is necessary to develop allocation formulas. Thus, the seeds for inevitable conflict were sown since the central board cannot heed both the Decentralization Act and the mandate of its contract with the union.

First, the City Corporation Counsel ruled in the spring of 1971 that the centrally-mandated More Effective Schools program cannot be binding on local boards despite the union contract. The UFT intends to fight this interpretation in the courts and by other means if necessary. Second,

the community school board of District 3 was able to win an important victory in June of 1971. The State Supreme Court held that the central board must turn over control of Title I programs to local school boards, thus abolishing centrally mandated programs in this area.

The implications of the District 3 case are far reaching. If the Title I programs are to be fully in the hands of community boards, many UFT backed programs such as MES, Strengthened Early Childhood could be forced to terminate. One can expect a continuing power struggle between the union, on the one hand, and the community school boards, on the other, over Title I.

Nevertheless, professional control over Title I programs is presently exerted in other more subtle fashions. Most Title I proposals originate with principals with little if any parental or community input. Title I Advisory committees in each district are composed of the principal of each Title I school, and the Parent Association president. The committees are merely advisory, but the principals dominate. The principals devise the Title I proposals and, for the most part, the community school boards adopt the principal's suggestions. Only four or five of the thirty-one community school boards make a serious attempt to solicit suggestions from the community.

Projects initiated by the local boards last year, involved 16.2 million dollars, or 14.5% of the total amount of Title I funds made available to New York City. Of the thirty one districts, twenty seven were eligible to receive Title I funds: District 11 (Bronx), 22 (Brooklyn) and 25, 26 (Queens) were the four exceptions. The types of programs initiated by the Community Boards differed in some respects from that of the central board. Increased professional staffing was not the primary objective of many programs. In those districts where parents were able to meet with

principals (e.g. 29, 30) or had a functioning Title I Advisory Committee (e.g. 5, 6, 24), projects that better responded to the needs of students and the community were usually initiated.

Under the influence of community boards, the para-professional program began to gain support. Each district found a need for reading and mathematics remedial classes in early grades and hired individuals who were not licensed teachers, but could have the expertise, to help with the classes. The para-professional lines enabled districts to involve more bi-lingual people in the educational process.

District 6 in Manhattan has such a program "Orientation and Adjustment of the New Arrivals in the School Community." This project was designed to foster image building in young students. District 2 in Manhattan concentrated on pre-kindergarten education with federal funds used to renovate a rented facility. District 12 has spent Title I money for bilingual research. Many other districts (2, 6, 13, 24, etc.) utilize summer programs which stress reading and mathematical skills for low achievers, and afternoon centers which provide both educational and recreational activities aimed at improving the quality of life for poverty children (e.g. 23).

Although many boards have utilized Title I funds for effective programs benefiting poor children, some districts have violated the intent as well as the spirit of Title I. These pressures derive from the interests of middle class parents of many districts and the mechanics of disbursement. Many middle class parents have sought federal funds for projects which are not directed to the needs of the underachievers. These include a Science Club in District 14, a questionable program in a district whose poverty children have scored almost two years behind in reading. In addition, several districts have classes on ecology and environment. These

projects (some districts have computer clubs) are results of the pressures of parents seeking programs for middle class children. Proposals which on paper appear to benefit the slow learner, may in practice by-pass them.

3.) Conclusion

The CSBs have generally not been able to accomplish much in the area of budget. Insofar as they have done anything at all, it has been in rather insignificant matters. District 22 is representative of such attempts--for example, it was able to move that "the sum of $5,947 be reallocated from personnel service for Continuing Education to materials and supplies for Continuing Education" (minutes for June meeting): a similar shift of funds enabled the CSB to keep the evening community center program running a bit longer. These are not very impressive achievements.

The major reason for this is, as we have suggested, the lack of any significant power. The city board maintains rather tight control over both the operating and capital budgets.

Another reason for the lack of activity in budgeting affairs is that it is so complex that it eludes the grasp of even the most adroit board members. Of those interviewed, even lawyers and actuaries--who by profession are probably most equipped to understand such matters--suspect that grasping just the fundamentals of the budgeting process would require their full time attention.

Nearly half the districts have hired full time business managers. Their impact on expediting district business affairs cannot yet be adequately assessed, but they are part of the district staff, under the community superintendent. This means that their usefulness to the CSB itself is extremely limited. Of more importance is the position of

Executive Assistant to the CSB--this is a non-competitive civil service position which can serve the board in discharging its administrative duties. The hope is that the CSB will be freed of many of the more routine tasks and be able to direct its energies to some of the more basic issues confronting the education of children. Such a position would presumably enable the CSBs to grapple with budgetary matters in a more skillful fashion. To date, no more than five CSBs have established the executive assistant line.

The area of budgeting has seen considerable controversy over the matter of public aid to parochial schools. Although the Board of Education has not officially dealt with this issue, it is very often a sore point in CSB politics which could flare up at a moment's notice. Some CSBs, for example, in Districts 15 and 25, have voted in favor of financial assistance for parochial schools. This action in District 25 created must frustration--it divided the CSB and the community.

There is little evidence to indicate that the local communities i.e. PTAs, community action groups, etc. have been significantly involved by the CSBs in many of the budgetary proceedings. This has been true even in those districts which tend to give the community a real role in other matters. In part, this is due to the attitude of CSBs as to the role of their communities in the decision-making process--they view them as entities to be consulted and "present" at public meetings, but generally passive. With regard to participation in the budgetary process, the issue is complicated by the fact of timing--the budget allocations were simply not known until very late in the game.

In part, it is undoubtedly due to the events of late spring and early summer--the budget allocations were simply not known until very late in the game.

Several people from the communities have criticized their CSBs

rather strenuously for their lack of initiative in seeking more money from the city board. This criticism is probably justified, for as we have seen, most districts rather passively accepted the central guidelines.

IV. SCHOOL CONSTRUCTION

School construction is an important component of school policy. It must be remembered that the community control movement emerged from the five year frustrations of parents in Harlem to have a say in the site selection of the new intermediate school IS 201. The parents preferred an area in Harlem bordering a white section to facilitate integration; their eventual frustration in not having a voice in such matters, inevitably, led them to question other aspects of school policy and the very process by which that policy was made.

Under the old centralized system, no formal role for community interests, localized or city-wide, existed in the designing of school construction policy. This led to a form of pressure lobbying which resulted in an uneven school construction program. Those who had influence and power were more likely to gain facilities. David Rogers in his study of the centralized system, 110 Livingston Street, characterized this situation and prescribed a measure of central planning with decentralization.

> "The politics of school construction are as follows: A multiplicity of local civic and real estate groups, each asking for more schools or additions to existing ones, exerts pressure on the Board of Education, the Site Selection Board, and politicians, with the latter frequently acting as intermediaries between the citizenry and appointed officials. These demands are often justified, considering the city's rapid demographic shifts, the

severe overcrowding in some schools, and the limited planning by board and city officials.

At the same time, however, the very nature and intensity of the demands reinforces poor planning. The more city officials are confronted with demands for localized services, the more they are diverted from providing schools for broader, areawide needs. Demographic changes involve entire boroughs and often involve large sections of the city. They cannot be responded to effectively on a localistic, neighborhood basis. Indeed, it was the neighborhood school approach of the Board of Education that contributed so much to the uneven utilization pattern.

One solution to this dilemma of limited planning is much along the lines proposed by the Lindsay administration. It involves both greater consolidation of city government and more decentralization, two complementary changes. Consolidation would contribute to more planning that took into account the interrelatedness of housing, urban renewal, poverty, transportation, industrial, and education decisions.

Decentralization, on the other hand, through the establishment of community corporations, local city halls, or their equivalent, would provide city officials with more information on local problems and a sounder basis for developing programs than in the past. It would also give the citizenry more opportunity for real participation in shaping governmental decisions, as opposed to the ordeal of testifying at numerous hearings that serve little purpose other than to make everybody involved more agitated." (Rogers, p. 449-450)

Periodically, school construction mismanagement becomes a matter of public concern; generally, however, decisions in this area are not visible to the public. In the fifties, a number of studies advocated fundamental changes in procedures in the wake of charges of questionable practices in school construction but no changes have been forthcoming.

Inadequate Facilities

New York City public school system provides for its children with 900 schools. The city wide totals (Table I) for the schools show that plant capacity is in excess of school enrollment in the elementary schools. However, in the area of intermediate and high schools, there is a great need for additional facilities.

According to this table, the borough of Richmond provides the only exception and only in regards to its high school plant. There is every indication, however, that even Richmond will not maintain its unique position for long. Regarding lower schools, the city-wide figures are deceptive, revealing that only the borough of the Bronx suffers from overcrowding. Such an interpretation is misleading because a district by district analysis shows some district schools (often the predominatly white ones) to be more underutilized whereas the more heavily black and Puerto Rican schools are more overutilized. (Table II).

Conceivably, observers of the school system would not attack the school construction program so severly if dedicated efforts were being made to equalize school utilization. Such an equalization entails either a drastic and complete overhaul of the city's zoning policy or a massive bussing program. However, the political

Table 1

ENROLLMENT AND PLANT CAPACITY OF SCHOOLS (NEW YORK CITY) 1969-1970

	ENROLLMENT	PLANT CAPACITY
Elementary		
Bronx	118,297	106,644
Brooklyn	224,562	233,781
Manhattan	90,812	103,549
Queens	124,405	138,463
Richmond	26,051	27,896
	584,127	610,333
Middle		
Bronx	46,902	40,223
Brooklyn	83,576	75,549
Manhattan	33,904	28,459
Queens	50,029	49,222
Richmond	9,395	8,420
	223,806	201,873
High Schools		
Bronx	46,974	37,286
Brooklyn	98,749	80,808
Manhattan	46,149	41,068
Queens	70,973	58,327
Richmond	12,109	12,641
	274,954	230,130
Total for all levels:	1,082,887	1,042,336

Source: Board of Education School Planning and Research Division

Table II

COMPARATIVE UTILIZATION OF ELEMENTARY SCHOOLS IN PREDOMINANTLY BLACK AND WHITE SCHOOL DISTRICTS 1970 - 1971

Districts	Number of Elementary Schools Over Utilized	Total Number of Elementary Schools in District	New Construction Underway of Elementary Schools
Over 60% White:*			
18	4	13	0
20	1	24	0
21	2	23	1
22	1	22	0
24	6	19	0
25	3	22	0
26	0	24	0
27	11	28	1
30	5	20	0
31	13	39	2
Over 60% Black and Puerto Rican:*			
1	5	16	1
3	1	19	3
4	3	18	2
5	5	19	0
6	9	11	2
7	13	18	1
8	14	19	1
9	19	20	1
12	14	15	1
13	8	18	0
14	6	19	1
15	7	20	0
16	15	23	2
17	13	13	0
19	15	22	2
23	4	18	0
29	10	22	0

Source: Board of Education. Division of School Planning and Research.

*Based on 1969-1970 figures.

All ethnic percentages based upon UPAs sources

climate of the city does not offer much hope that either is possible. As a result, the city managers have opted for a solution that involves the expansion of the school construction program, but this program falls far short of its goals of providing classroom space where the need is greatest.

Under the present system of school construction, little attention is paid to area and need. Of the 31 Community School Board districts, according to material from United Parents Association for 1969-70, there are 10 whose white pupil population is over 60%. At the same time, there are 17 whose pupil population is over 60% black and Puerto Rican. One finds that in these 10 white districts--18, 20, 21, 22, 24, 25, 26, 27, 30 and 31--only 46 of its two hundred and thirty-four (234) elementary schools are underutilized. Furthermore, in these districts, not only were most of these schools built after 1930, but also they have had substantial additions and modernizations. For instance, in District 22, a white district, only one (1) of the twenty-two (22) elementary schools is overutilized and most of the schools were built in the late forties or early fifties. In Community School Board District 18, another white district, PS 114 was built in 1907, has had an addition in 1925 and was modernized in 1959. PS 115 in the same district was built in 1922; was added to in 1927 and 1928 and was modernized in 1962.

CSB District 27, Queens, with a 67% white student population has 28 elementary schools. The enrollment capacity of these schools is 22,720 and the capacity for these schools is 24,107. This results in the non-utilization of 1,387 classroom space whereas other districts like CSB District 12 (Bronx) cry out desperately for such space.

The seventeen (17) schools in the mainly black districts--1, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 19, 23 and 29--have a significantly different history.

CSB District 8 in the Bronx has a 72% black and Puerto Rican elementary student population amounting to 22,640. This is almost the same number of children as in CSB District 27 which has 22,720 students, but whereas CSB District 8 has 14 of its 19 elementary schools overutilized, resulting in 2,398 students in excess of capacity, CSB District 27 is underutilized by 1,387 pupil seats.

Those ten (10) CSB districts with upwards of 60% white student population are underutilized by a total of 34,648 student seats. Districts 20, 21, 22, 26 and 31 exemplify this observation.

District	Plant Capacity	Elementary Pupil Enrollment	Excess Pupil Space
20	26,405	18,868	7,537
21	24,119	20,194	3,925
22	25,151	19,528	5,623
26	20,058	14,236	5,822
31	28,827	26,624	2,203

For example, CSB District 20 with a 79% white student population leads the Brooklyn districts with an impressive underutilization of 7,537 students. This district has had seven (7) additions to seven (7) of its schools over the years while District 6 with 9 of its 11 schools overutilized has received only 3 additions. On the other hand, the 17 districts with over 60% minority students account for 4,080 students enrolled in excess of plant capacities. Six of these districts exemplify the situation.

District	Plant Capacity	Elementary Pupil Enrollment	Excess Pupil Space
9	21,797	25,670	3,873
12	18,391	25,005	6,614
16	26,589	30,818	4,229
17	13,696	16,824	3,128
19	22,753	25,276	2,523
29	18,076	18,254	178

Similarly, in CSB District 12 (Bronx) which has 95% of its 25,005 elementary student enrollment black and Puerto Rican, 14 of its 15 elementary schools are overutilized. Only 7 additions and 4 modernizations have taken place in this district even though 12 of its 15 schools were built before 1930. Among these 7 additions, three (3) were to PS 20--a school built in 1895, and two (2) were to PS 6, a facility built in 1904.

The tardiness in construction of and additions to these schools as the data indicates, results in an excess of 6,614 children. When this district is compared to CSB 26 (Queens) other flagrant disparities come to light. There are twenty-four (24) elementary schools in this district (26) and none of them is overutilized. Only three (3) of these schools were built before 1930 and all three have received additions. To wit, PS 41, built in 1916 was added to in 1927; PS 94, built in 1914, was added to in 1927 and PS 130, built in 1925 has had two (2) additions in 1949 and the other as recent as 1967. Furthermore, there were eight additions made to the twenty-one (21) schools built after 1930. A further comparison can be made with District 23 which represents the black and Puerto Rican ghetto of Ocean Hill-Brownsville. Of the 18 elementary schools in this district, two (2) (PS 73 in 1889 and PS 87 in 1892) were built in the late 1800's, 10 before 1930, one (1) was

built in the fifties and 5 were completed in the 1960's. Two Early Childhood Centers are now under construction. The plight of school construction in this district remains and this condition is further exacerbated by the maintenance history of two of its schools, PS 73 and PS 87. PS 73, built in 1889, was added to in 1896 and 1921 and has not undergone any modernization since. PS 87, completed in 1892 was never modernized nor did it ever receive an addition.

Another element which contributes to the inadequacy of school construction is the inadequate power of the Community School Boards. Despite decentralization, "the system for building schools in the city is not working", according to a close observer, the United Parents Association. "With all the good will of those involved in the very complicated system of public construction. . ., schools are not being built fast enough to make a difference. The system requires radical change---NOW." (United Parent Association Newsletter, February 25, 1970.)

The law obligates the Board of Education and the Chancellor in six (6) area pertaining to the construction of schools:

(1) The Chancellor must consult the community school boards in determining requirements for capital budget projects.

(2) The community school boards can place qualified architects on the panel of architects established by the Central Board of Education.

(3) The community school boards can select architects for projects within the district from those proposed by the Central Board and work with them.

(4) The community school boards can review preliminary architectural plans and make recommendations.

(5) The Chancellor must consult the community school boards on qualification of bidders on contracts exceeding $25,000.

(6) The community school boards can employ or assign personnel to assist the Chancellor in expediting capital budget projects in the district.

(Article 52-A, §§ 12-17, p. 22)

Power in school construction remains with the Central Board. Of the six stipulations only one, the first, was actually adopted and adhered to. This may be because it was a well-established, though 'pro forma', procedure to which central headquarters was well accustomed.

Another reason for school construction delay and one which results in increased costs is the complexity of the capital budgetary procedures. The New York City Capital Budget is an annual list of needed construction projects and improvements. Included in this is the Board of Education Capital Budget which is concerned with the building of new schools, playgrounds, modernization and major renovation of old school structures. With a financial ceiling set by the state, the City's Capital Budget reflects both city-wide and local priorities. As a result, the decision-makers in the Capital Budget process have the difficult task of determining between competing priorities. Also, the Board of Education is forced to compete with other departments for the limited funds that are made available. Add to this the rising annual cost of school construction and the necessity for expediting facilities under way becomes evident.

In person and through telephone conversation and interviews in August, 1971, officials at the City Planning Commission recite the following figures for the construction of schools: $20 million for a high school; $10-$12 million for a public school and approximately $25 million for a PS-IS complex. Many factors account for this high cost. Among them are the delay between its appearance on a line on the budget and its completion; the great cost of union labor in the construction trades, especially in New York City, and the difficulty entailed in the site selection process.

With respect to rising costs, Hillcrest High School in District 25 (Queens) was one of the 9 schools completed last year. Its original cost was estimated at $10 million but by the time the school was completed for occupancy, the cost had risen to $13 million. In budget year 1960-1961 this school was coded A (advanced planning architectural designs and site clearance). Up to five (5) years later it still remained in the same category and it did not become ready for immediate construction (phase C), until 1965. The following year's capital budget reflected that the project had again been placed in the A category. However, from then on it moved smoothly into completion. IS 29 in Manhattan's District 2 had a somewhat similar history. It first appeared in the 1963-1964 Capital Budget, but was not ready for occupancy until Fall, 1971 - a period of eight years. The original estimated cost was $10 million but by the time of completion, the cost had skyrocketted to $15 million. In 1963-1964 school year it appeared as an "A" project and in the following year it became a "C" (actual construction) project. However, it again enjoyed the status of "A" in 1965 but returned to

"C" status in 1966 until completion in 1971. PS 126 in the Highbridge section of the Bronx, District 9, enjoys, like IS 29 and the Hillcrest High School, the dubious distinction of having many fits and starts. It appeared in the 1962-1963 capital budget as an "A" project, but was never completed until 1971, and then it required the sponsoring auspices of the New York City Educational Construction Fund.

Board of Education officials explain these acrobatics by saying that controversies arose over the site after the site selection was thought to be a settled matter and funds were allocated for the "C" phase.

The explanation may be valid, but situations like these serve to cast suspicions on the school construction process. United Parents Association and other commentators accuse the Site Selection Board of acting as a "body politic which delays action on controversial sites. At other times, the Board approves of and keeps under consideration for far too long, sites which they know are totally unrealistic, sites which cannot be cleared because of relocation problems." (UPA Newsletter; February 23, 1971, p.1).

Not all schools completed during the last academic year 1970-1971 suffered the torturous path to completion. PS 153 in District 9 (Bronx) and IS 61 in Richmond were completed in record time. In the case of IS 61, it appeared in the capital budget in 1965-1966 as an "A" project and was characterized as a "C" project in 1966-1967; a "short" 6 years. The reason for the "early" completion of these schools, according to Board of Education officials, was because the sites chosen were vacant and this factor eliminated the usual delay when buildings must be demolished and people relocated.

The Board of Education reports that in the 1970-1971 fiscal year, 13 projects whose designs were completed in time to make bids and award contracts for construction were held up due to site encumbrances. Manhattan lost PS 142 which would have provided 1,244 pupil space; Queens lost 4,335 pupil space - Early Children Center (120), New Queens High School (3,960) and an addition to PS 75 (255). Bronx lost (5,006) classroom space - PS 198 (1,429), IS 147 (1,777) and IS 58 (1,800). Brooklyn led with a total loss of 12,789 pupil space- N.E. Brooklyn High School (3,960), IS 365 (1,801), PS 72 (1,600), PS 380 (1,540), IS 291 (2,429) and PS 384 (1,459). (Board of Education, Report on Capital Construction for Fiscal Year 1970-71, p.6)

Another area of concern relates to the costs and procedures of the highly unionized construction industry. Construction work ranks high in the scale of well-paid jobs. Construction unions are very powerful and they exact substantial benefits from management for their members. Most of these unions are closed to minority groups so that the high-paid non-skilled jobs go to whites. Blacks and Puerto Ricans are not the beneficiaries of this largess. However, since the New York Plan was passed, many of the contractors who work for the Board of Education construction unit have complied with the law in hiring minority help. Most unions have also complied. To date, the only union not to comply is the Sheet Metals Union. Board of Education officials, willing to show its responsiveness to the New York Plan, report that a large percentage, ($63,715,065, of its $241 million allocation) was held up last year pending policy resolution of on-the-job training for minority workmen.

Black construction firms also are discriminated against. Board

of Education officials explain that strict abidance to the law is their main criterion in the award of construction contracts. They further explain that the law demands that the contract be given to the lowest responsible bidder. The bidder who receives the contract must prove its solvency up to one percent of the contract. These officials declare that there are not very many capable general construction outfits that are willing to do public works; that there are almost no black companies large enough to handle such a huge construction job. Moreover, though the payment procedure for contract work has been speeded up, only the large outfits can afford to wait for a reasonable long time for contract payments.

In the awarding of contracts, two contractors, Caristo and Mars Associates receive 83% of all contracts for school construction in New York City according to our ramdom sample of 41 bids in the last nine years. In 1961, Mayor Wagner removed the lay board because of scandals in construction and ordered the board to diversify the contracts and cease dealing with Caristo. Clearly this directive has been ignored. The Board of Education officials' reply during an interview in August, is that their written invitations to other general contracting firms have been unsuccessful. Yet until equitable methods are established, Caristo and Mars Associates will continue to receive the bulk of the construction contracts.

The general impact of construction policy from almost all perspectives is that Blacks and Puerto Ricans are discriminated against. Educationally, the congestion and overcrowding is greatest in their part of town; schools take longer to be built there; economically, they lose in that they are locked out from the unions and, financially, they do not have the money or connections to obtain construction

contracts.

The problems in school construction are not only a result of school politics and education policy makers. The multiplicity of city agencies which shape the final City Capital Budget make an efficient and workable construction program virtually impossible.

The Bureau of the Budget uses overcrowding as one of its criteria for determining the need to build. Its assumption is that overcrowding is more apparent than real. The Bureau argues that schools with low daily attendance are, in actuality, underutilized and this fact precludes the necessity of erecting a new school despite the projected estimates of the Board of Education and the fact that 30 of the 31 Community School board districts have schools which are operating above capacity.

By acting on this assumption, the number of schools that get built are curtailed because the Bureau does not see the need to provide the funds for their construction. The point they miss is that when children do not attend school in large numbers, there is something wrong with the schools. One would think that it is the function of city agencies, working together, to reconnect children to their educational experience, rather than to budget them out of classroom space in order to save money for other projects. This attitude toward education sets in motion a self-fulfilling prophecy--children who are not expected to come to school don't come to school.

The City Council and the Board of Estimate are not to be exempted when considering the school building program in New York City. City Councilmen contribute to the delay in school construction when they accede to self-interested constituencies rather than placing the

needs of public school children uppermost in their decisions. There are many instances where elected officials have used their office to oppose school sites recommended by community school boards and supported by parent groups. Often their positions are based on narrow and vested personal interests. One such instance occurred in District 8 in the Bronx. Here, the community undertook a letter-writing campaign to both the Mayor and the Borough President of the Bronx in an attempt to persuade them to change the proposed site of PS 182.

In the Fall of each year, the Board of Education publishes its revised construction proposals and holds a public hearing before sending its final school building proposals to the City Planning Commission before October 15. According to the City Charter, the City Planning Commission must determine construction priorities city-wide within the limits of the proposed capital budget. The Planning Commissions' A Guide to the City's Capital Budget Process, states: "Characteristically, requests for projects which must be financed from debt-limit funds total more than triple the amount available." (City Planning Commission Guide, p.3) But, according to the City Charter, the job of paring is reserved to the City Planning Commission. Because the Draft Capital Budget of the City Planning Commission must be submitted to the Mayor by January 2 every year, the City Planning Commission schedules its public hearings during mid-December. It is curious to observe that the dates of the public hearings of the City Planning Commission on the Capital Budget overlap with those of the Expense Budget and that mid-December is the peak shopping days for Christmas. At this time, only the most dedicated would find time to prepare remarks and participate in the hearings despite

its overwhelming impact on the lives of everyone in the city.

By November 1, the Mayor (in consultation with the Comptroller and Budget Director) must publish a certificate as to the amount of the debt the City can incur for capital construction.

By February 1, the Mayor must submit his proposed Capital Budget to the Board of Estimate and the City Council. He cannot, at this point, exceed the amount in his debt limit certificate. However, his budget can differ from that of the City Planning Commission--including or excluding projects--but the City Charter binds him to state his reasons for so acting. It is at this point that the Capital Budget is about to assume its final shape and it is here also that many allege that the budget is manipulated for political ends. The Mayor and the City Council, by consistently adding projects to the Capital Budget proposals, fuel this allegation.

The attempt to participate equally and fully in every stage of the school construction process site selection, choosing architects, reviewing designs, looking on the qualification of bidders and expediting the completion of projects--has had minimal success in the districts. There is one notable effort to inject local interests in construction policy.

Community School Board #8 took a show-cause order against the City's Planning Commission because of their failure to consult the Community School Board on the proposed site of PS 182. Furthermore, when approached, the commission refused to recognize the unanimity of the community and the Community School Board on this matter. At this point, the community, on the advice of the Community School Board, began a letter-writing campaign to both the Mayor and the Borough

President of the Bronx. Taking cognizance of the pressure exerted by the community, the City Planning Commission changed its mind and acquiesced to the wishes of District #8 even before the dispensation came from the Court.

That there is only one case worthy of mention where Community School boards have sought to influence the decision-making in school construction, points to the frustration which these boards suffer. No small part of the frustration comes from the complex procedures established for planning and implementing school construction.

The school congestion problem is most acute in the black areas of the city, yet an overview of the school construction program within the last ten years 1960-1971 reveal that they are not the ones to get the schools. Moreover, the schools in these areas take much longer to be built. By the time they are ready, the overcrowding problem remains, for the most part, untouched.

Explanations may lie in the nature of the zoning laws and the relative power of white and black communities. The institutionalized nature of white racism continues to create 'de facto' segregation in housing and this, in turn, results in the overcrowding in the 'ghettorized' sections of the city. This ghettorization puts a premium on living space; this at a time when housing starts are virtually at a standstill.

The school sites are not only difficult to obtain in the black and Puerto Rican neighborhoods of the city due to the competition between houses and schools for available space, but there is also a problem in the white areas. White residents resent the building of schools in their neighborhoods when the intent is to disrupt the

segregated pattern of housing. That the building of these schools may ease the congestion and overcrowding in the school system and lower tensions between school administrators and minority communities are of little concern to the parochial interests of the white residents. They also fear that black and Puerto Rican may want to follow their children into 'their' part of town.

Policy-makers bend more easily to powerful and well-organized interest groups. Response to group pressure can very well force them to exclude a school or hospital construction in favor of new fire stations or police precincts.

The school construction process in New York has not functioned as it should. And the narrow limitations of the Community School Boards in their jurisdiction, have made them unable to remedy this situation. The result has been that there have been inadequate facilities, a lack of responsiveness to community needs, and a paucity of services for those most in need.

That syndrome has been less in evidence concerning school maintenance. There has been less delay and more involvement by community school boards on maintenance projects. A community board is offered a rotating list of three design engineers by the central board. The board merely suggests the list, but in practice, most community boards select from the choices. That is due to a lack of information concerning the various contractors. However, the potential for a community board to employ a community firm is great. After the design has been drawn, the project is awarded through competitive bidding to a contractor. On balance, school maintenance is less constrained than construction.

ENROLLMENT AND CAPACITY FIGURES FOR
NEW YORK CITY ELEMENTARY SCHOOL DISTRICTS
1970 - 1971

District	Enrollment for Elementary Schools	Capacity for Elementary Schools
1	12,715	14,864
2	14,183	17,801
3	15,102	17,696
4	15,523	18,421
5	16,133	20,717
6	14,410	12,899
7	23,847	22,004
8	22,640	20,242
9	25,670	21,797
10	16,496	15,454
11	16,044	18,388
12	25,005	18,391
13	17,995	17,888
14	19,310	20,661
15	18,517	19,659
16	30,818	26,589
17	16,824	13,696
18	13,280	13,743
19	25,276	22,753
20	18,868	26,405
21	20,194	24,119
22	19,528	25,151
23	17,545	19,430
24	15,382	17,236
25	18,503	21,398
26	14,236	20,058
27	22,720	24,107
28	17,814	19,184
29	18,254	18,076
30	18,007	20,946
31	26,624	28,827

Source: City Planning Commission

PART THREE

RECOMMENDATIONS FOR LEGISLATIVE CHANGES IN DECENTRALIZATION LAW

A. Introduction

The proposals for legislative change which follow are based on two basic propositions:

1. The 1969 decentralization law failed to grant to Community School Boards sufficient powers to enable them to operate their schools. Instead, the statute created a system with authority to run the schools divided among the Central Board, the Chancellor, and the Community School Board. The powers and jurisdiction granted to the Community School Boards were made subject to other provisions of the decentralization law, many of which grant very substantial control to the Chancellor, subject to the policies established by the City Board, and subject to centrally made collective bargaining agreements.

2. Although it is conceivable that such a division of authority could have been formulated and drafted in a clear and workable manner, in fact the statute did not do so. It is a basic and vital flaw of the decentralization law that the grant of jurisdiction and powers to the Central Board, to the Chancellor and to the Community School Boards is confused and ambiguous. This legal defect has affected the functioning of the system during the first year of its operation.

However, no recommendations are made for the purpose of clarifying any ambiguities in the present decentralization law. Even if the ambiguities were resolved, however, the essential powers necessary to operate

an effective educational system would nevertheless rest either with the Central Board or with the Chancellor. Our review of the law and its operation compels the conclusion that the kind of amendments that are necessary involve a fundamental restructuring of the system, and that to clarify ambiguities would only serve to clarify the weaknesses and failures of a tripartite system that is intrinsically incapable of achieving the goals for which it was created.

Our basic recommendation is that the present community school system be restructured, both in form and in substance, to vest the actual operating powers in the Community School Boards, with certain limited exceptions.

II. *Community School Board Powers*

A. *Personnel*

The provisions relating to personnel in the present law, give virtually all significant personnel powers to the Chancellor or to the City Board. This includes the power to determine qualifications, to appoint, assign, discipline and dismiss. The sole exception is that the Community Boards can select supervisors, albeit from eligible lists previously established centrally by centralized examiners and examinations.

Essential to effective school administration is the power to select staff and to develop performance standards. All New York State school districts enjoy this necessity, within the limitations of the Education Law and under the supervision of the Commissioner of Education. *We recommend that the Community School Districts in New York City should have similar power, i.e., power to establish qualifications, appoint, assign, discipline and dismiss staff, in compliance with State law and regulations.*

(1) *Assignment*

There is general agreement within the school system that most new teachers entering city schools are inadequately trained and initially ineffective, and that securing competent staff is a continuing and monumental problem. An effective principal recognizes the need to recruit not only qualified staff in general but often certain kinds of teachers to fill certain kinds of needs. One school may require a teacher with skills in music, or science, or math; another may require a teacher who is bilingual in a language spoken by a large number of children in that school; another may require a teacher whose own background facilitates relationships with poor children or children of a certain ethnic group. The law as written nullifies these considerations and leaves no room for sensible or functional staffing practices. It requires that the Chancellor and his centralized staff appoint and assign teachers to districts with over nine hundred schools in the City, which teachers the districts *must* assign to their schools. With such an enormous number of schools, it is a patent impossibility for such a centralized office to maintain any procedures which regularly and routinely give consideration to individualized school needs. Moreover, the law requires that appointments be made from a ranked eligible list. Some superintendents and principals, of course, have managed to manipulate the system. They may have friends in the centralized personnel office who can steer particular appointments to them. But such favoritism and individual cases of adeptness do not rescue an otherwise non-functional system.

During the period—now past—of teacher shortages, neither the requirement that teachers be appointed in rank order, nor the centralized control over appointments, were as damaging as they are now. Good principals recruited their people and managed to have them appointed and assigned. Indifferent principals accepted the leftovers, and were glad to have warm bodies covering their classes.

Those days are over. Teachers are being excessed in relatively large quantities. Community School Boards receive directives forcing them to assign certain teachers regardless of quality or suitability. For example, there was assigned to District 9, with a substantial bilingual population, a large number of guidance counselors who do not speak Spanish. In addition, districts are being shackled with transferees from the Central Board who have held desk jobs at 110 Livingston Street, without regard to whether they are suitable for a particular position. Indeed, it is interesting to observe that the system has now come full circle: many such persons were assigned to 110 Livingston Street either because they preferred desk jobs to classrooms, or because they were so ineffective in the classroom or as a supervisor that such a transfer avoided the trouble of an unsatisfactory rating.

In order to achieve staffing responsive to the needs of each individual district, appointment and assignment should be community board powers and the central power terminated except for certain service functions (to be discussed below.)

(2) *Eligibility and Qualifications*

Supervisors

The law granted to Community School Boards the power to "appoint and assign all supervisory personnel for all schools and programs under its jurisdiction from persons on qualified eligible lists." The law further provided that all persons remaining on the elementary school principals list be appointed, thus exhausting it; and converted other supervisory eligible lists from ranked to qualifying.

These changes did indeed enable Community School Boards to take advantage of a temporary and unique set of circumstances to achieve flexibility in the appointment of principals. In the absence of an eligible list, Boards were able to select acting principals who met the qualifications established by the Central Board (a combination of state certification and some experience or training) and who met, in their opinion, the needs of the particular school. This flexibility would have come to an end with the promulgation of a new elementary school principals list, had it not been for the milestone decision of Judge Mansfield in the spring of 1971. In a closely reasoned opinion, he ruled that the Board of Examiners' supervisory examinations "have the *de facto* effect and discriminate significantly and substantially against qualified Black and Puerto Rican applicants." He further found, after hearing expert witnesses on both sides, that the Board had failed to show that such "examinations can be justified as necessary to obtain Principals, Assistant Principals, and supervisors, possessing the skills and qualifications required for successful performance of the duties of these positions."

Judge Mansfield's decision enjoining the use and promulgation of eligible lists, creates a temporary situation in which Community School Boards may appoint supervisors on an acting basis, based on state certification, or other minimum qualifications established by the Chancellor.

This situation, however, while it puts a judicial imprimatur on arguments that some Community School Boards and parents have long made concerning eligible lists, does not assure a long range solution to the inadequacy of the legal structure. The education law still requires selection of supervisors from Board of Examiners eligible lists. The Mansfield order is a temporary order, and the case has yet to be tried. Even a victory for the plaintiffs may result only in *reform,* not elimination, of the centralized lists.

Therefore, we recommend that the findings and reasoning of Judge Mansfield be adopted, and that the Board of Examiners be abolished. We recommend that local districts have the power to establish eligibility requirements beyond the minimum established by the State, and that all centralized powers to establish qualifications for community school district employees be terminated.

Teachers

The decentralization law, by its terms, acknowledged that the present method of teacher certification was unsuccessful in responding to the educational needs of schools with low reading scores. Section 2590-j-5 allows the 45% of the schools with the lowest ranking in reading scores to select teachers who have passed the National Teachers Exam, providing they have state certification.

This palliative, however, does not cure the basic defect of the teacher licensing system as it now exists. For the balance of the system, which includes many children with low reading achievement, teachers must be selected in rank order based on a centrally given and administered written test and interview. The premise of a decentralized system should be that elected community representatives, with the advice of educators accountable to them, establish the qualifications for their professional personnel, within state law, and based on the educational needs and goals of their school district.

We propose that all Central Board and Chancellor requirements for the eligibility of teachers be terminated, and that Community School Boards establish eligibility requirements beyond state certification, based on tests or other lawful criteria, within state law.

(c) Charges Against Professional Staff

The employment rights of educators have long concerned not only the educators themselves, but labor unions and civil libertarians as well. Many years ago, public school teachers were powerless victims of a powerful school system. Today it is clear that considerable strength is vested in the UFT as a labor union and that the rights of tenured teachers have been made secure by state statute and decisional law.

Under these conditions, the decentralization law provisions relating to discipline and dismissal of employees must be reexamined. At this date, they give the appearance of being either paranoic about abuse of authority by Community School Boards, or perhaps merely anachronistic three years after the 1968 teachers' strike.

Section 2590-j-7 weaves a network of provisions with respect to the discipline of personnel, which results in Community School Board ineffectiveness. The initial procedures are fair and reasonable. A Community Superintendent may prefer charges against a tenured employee for specified cause, a hearing must be held before an examiner appointed by the Community School Board from a panel maintained by the Chancellor. (By contract, the UFT and CSA can challenge any name on that panel without cause.) The report of the examiner can be rejected, confirmed or modified by the Board, a majority of the entire board being necessary to find guilt or impose penalty. Then, the employee may appeal to the City Board which reviews the record and makes a final decision subject to any provision for arbitration in the contracts. Then the employee may seek further review from the Commissioner of Education or the courts. In effect, the role of the Community School Board is nullified. It merely creates a record for several subsequent reviews.

We see no justification for interference with the authority of the Community School Board to deal with professional incompetence or misconduct by its employees and we recommend the abolition of the intermediate appeal steps. It is reasonable to accord to New York City teachers the same protection as other teachers enjoy in the state: a hearing, a Community School Board determination and an appeal to the Commissioner and/or courts. There is no basis for providing a

cumbersome, expensive and time-consuming procedure, which robs the Community Board of its authority.

Moreover, we see no reason for the list of impartial trial examiners to be maintained by the Chancellor. Such a list should be created and maintained by Community School Boards. (It is noteworthy that in the school year 1970-71, the Chancellor failed to update the trial examiners list, which had been compiled by others in prior years in a most ad hoc manner. No new names were added by the Chancellor.)

Probationary employees are insulated from the consequences of their misconduct or incompetence by a pre-decentralization central board by-law (105-a) which the CSA and the Chancellor have invoked to review actions by Community School Boards. School boards must be able to release incompetent probationers, and a centralized review defeats the intent of decentralization. Legislative amendment should establish this right and supersede any inconsistent central board by-laws.

(d) Collective Bargaining

While the decentralization law by its terms generally precluded the effective functioning of Community School Boards, a specially significant impediment is the centralized collective bargaining agreement between the UFT (and CSA) and the Central Board. By statute, these contracts are binding on Community School Boards.

It is not possible to have a decentralized system if the terms and conditions of employment down to the slightest minutia, are governed by an agreement which is negotiated centrally, and which ignores the individual needs of individual districts.

The present UFT contract, exclusive of the wage provisions, covers 86 closely printed pages. Because of it, local school districts

have no real input or control over teacher programming, lunch periods, class sizes, preparation periods, non-teaching chores, files, excessing and various other details of school organization which go to the very heart of the educational process. Innovation and experimentation are stymied by contractual rigidities.

The present custodial agreement prevents Community School Boards from having any control over the maintenance and conditions in their school buildings, or the costs involved, or the qualities or qualifications of custodians.

It is possible to have a kind of bilateral arrangement whereby certain contractual items, such as wages, can be uniformly contracted for by all the Community School Districts, and other terms and conditions of employment can be negotiated on a district basis. Until teachers' and other employees' contracts are made consistent with the needs of each individual district, there can be no successful decentralization, and no Community School Board can be held accountable for the performance of the staff in its schools.

Therefore, we recommend that collective bargaining agreements be negotiated and entered into on a decentralized basis, and that all sections of the decentralization law which require that school boards act subject to existing collective bargaining agreements be eliminated as of September 8, 1972, the expiration date of the current agreements.

2. Budget

(a) Expense Budget

The Central Board control of the expense budget is a function of both statutory mandate and the practical result of the collective bargaining agreements. While on the face of the law, the Central Board

determines the formula and the Community Board prepares schedules for the funds allocated to it, in actual fact, the Community Boards have no power with respect to tax levy expenditures because of the strictures of the collective bargaining agreement, and because the Central Board has held the budget reins as closely as possible.

A recent example involved the position of Deputy Superintendent. Some Community Superintendents have seen the need for the assistance of several deputies. One superintendent, for example, organized his staff with deputies for personnel, for curriculum and instruction, and for guidance and funded programs. In a large district with a history of educational problems, such a decision appears reasonably within the ambit of Community School Board decision making. The Chancellor, and the City Board, however, directed, for all 31 diverse districts, that the position and salary of deputy superintendant could go to only one person in each district. (At about the same time, the New York Times reported that Central Board member Joseph Monserrat had employed his business partner as a "consultant" to the Board at $19,800 since last January 1, and reported a board spokesman as saying that the board had authorized the hiring of consultants by board members at up to $100 per day. He said, according to the Times, "the only limits on the size of the staffs of board members were 'reason and budget limitations.'")

We recommend that, after allocations are made to community districts, there be applied to the districts only such controls, restrictions and limitations in budget matters as the central board now has with respect to schools under its jurisdiction. We see no need for a central board to act as a middleman between the city and state, and community boards in budget matters (other than allocations). Such an

arrangement has sown confusion and rigidity, and has been an instrument to maintain central control.

(b) Capital Budget

The City Board has total authority with respect to the capital budget. While it may be wise to have requests to the city for capital expenditures made on a cooperative basis among the school boards, through a central council, this is a far cry from the total control now vested centrally. Districts requiring schools must beg them from the Central Board. Districts have no power to determine the design or educational requirements of a school, or the terms of the construction contract, or the enforcement of fair employment practices.

The nature of a school for a community school district is beyond question a local matter and should not be determined by a central bureaucracy. We recommend that Community School Boards have the power to let contracts for school construction within the budgetary allocation, and determine construction and design details.

Effective decentralization to the district and school level would eliminate the purpose and role of a central city board of education or professional headquarters staff. Supervision of the city districts would become effectively a state function, although a city commissioner of education could act as a liaison with the mayor. This would be particularly appropriate since state requirements would be used as standards for district operations. Presuming full state assumption of responsibility for public education, the fiscal management function of a central facility would also be denied.

The current budget arrangement (as described above) is complicated by the demands and controls exercised by the New York City Bureau of the

Budget. The lack of accountability and flexibility evidenced in these procedures is a product of the routinized internal operations of the Central Board, but also a result of the regulations and practices imposed on them by the city budget office. With the state assuming responsibility for public education, each district would have the advantage of being treated on an individual basis and be eligible for district state aid.

If collective bargaining were to be centralized under the state, as it should be, the districts would then be able to negotiate supplemental local contracts based on their individual needs. The central board contract as presently conceived is in direct conflict with the effective operation of the districts. State-wide bargaining would be a far preferable arrangement under decentralization and city-wide bargaining would be superfluous.

C. The Central Board: Certain Centralized Functions Should be Retained

Certain constitutional and fiscal aspects of the education system require a central body to coordinate and facilitate compliance and allocate funds.

Constitutional and decisional mandates for integration within the city create zoning considerations and interplay between districts which are best resolved by a central body.

Likewise, it is necessary to develop equitable formulae to allocate among the districts funds received, from the city and elsewhere, on a lump sum basis for reallocation to districts.

The allocation of priorities for capital construction should also be a centralized function, since city-wide needs must be assessed and

priorities given to those sections of the city most acutely in need of new schools and renovations.

Since some centralized functions must be performed, we recommend that the Central Board be established as follows: Community School Boards should elect representatives to a Central Council pursuant to a legislative mandate that requires such council to reflect the ethnic composition of the children in the schools. The Community School Boards can delegate to the Central Council whatever functions are required by virtue of law or fiscal management, such as those mentioned above. The Community Boards may also delegate to the Central Council any service functions or other authority which in its discretion it finds advisable.

D. Recruitment and Organization of Community School Boards

The study referred to in the text of this report leads inexorably to a number of mandates. Virtually every observer favoring parent participation in the governing of schools, agrees that the entire Community School Board election process totally failed to create a system where this is likely or even possible. The failures dictate a fresh approach:

1. Only parents should be eligible to vote.
2. Proportional representation should be abolished.
3. Registration should be eliminated.
4. Election procedures should be made so simple that a person with little education and unfamiliar with the English language can vote comfortably and speedily.
5. The dissemination of information concerning the candidates must be mandated so that every potential voter can make a wise selection with respect to qualifications of candidates and candidates' positions on issues.

Boards could have diverse structures. They should be allowed to petition the State Education Commission so long as their proposed model be representative.

E. Number and Size of Districts

Even the Community School Board members in the smaller of the thirty-one districts find that their districts are too large: too large to establish the requisite close contacts with parents and groups, and too large to take hold of the wide variety of serious educational problems that pervade most districts. The Bundy proposal had spoken of districts based on junior high schools and their feeder schools, and the proposal of the Board of Education headed by John Doar similarly proposed the junior high school unit as the building block for districting.

The statutory limitation of a maximum of thirty-three school districts should be eliminated and replaced with a maximum of sixty. This would provide for a more flexible and appropriate district size in terms of the needs of the city schools.